

Chapter 11-04

ZONING CLASSIFICATIONS

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Section 11-04-01 INTERPRETATION OF DISTRICTS

(Ord. 5892, Amended, 02/26/1999)

Section 11-04-01.01 Districts Established

For the purpose of this Title, the incorporated area of the City of Boise is divided into the following zoning districts, as shown on the maps hereinafter included by reference:

DISTRICTS ESTABLISHED		
Single-Family Residential	or	R-1A, R-1B and R-1C Districts
Modular Lotting	or	R-1M Districts

Combined Residential	or	R-2 Districts
Multi-Family Residential	or	R-3 Districts
Residential-Office	or	R-O Districts
Limited Office	or	L-O Districts
Neighborhood Commercial	or	C-1 Districts
General Commercial	or	C-2 Districts
Service Commercial	or	C-3 Districts
Planned Commercial	or	C-4 Districts
Central Business	or	C-5 Districts
Pedestrian Commercial	or	PC Districts
Health Service	or	H-S Districts
Limited Industrial	or	M-1 Districts
General Industrial	or	M-2 Districts
Planned Industrial	or	M-4 Districts
Technological-Industrial Park	or	T-1 Districts
Technological-Manufacturing Park	or	T-2 Districts
University	or	U Districts
Open Land	or	A Districts
OVERLAY DISTRICTS		
Near North End Conservation District Overlay	or	"CD" Districts
Design Review Overlay	or	"D" Districts
Historic Overlay	or	"H" Districts
Historic Design Review Overlay	or	"HD" Districts
Downtown Design Review Overlay	or	"DD" Districts
Capitol Boulevard Special Design District Overlay	or	"C" Districts
Parking Reduction Overlay	or	"P" Districts
Sycamore Neighborhood District Overlay	or	"S" Districts
Floodway Zone	or	FW Districts
Floodway Fringe Zone	or	FF Districts
Area of Shallow Flooding Zone	or	ASF Districts

Section 11-04-01.02 Boundaries of Districts Established

The location and boundaries of the zoning or land use districts established herein are shown upon the map or maps entitled "Zoning Map, Boise City, Idaho" which is hereby incorporated into and made a part of this Title by reference. The original copy of said map or maps shall be filed with the City Clerk. The Zoning Map or Maps, together with all notations, references and other information shown thereon, and all amendments thereto, are a part of this Title and shall have the same force and effect as if said map or maps are fully set forth and described herein.

Section 11-04-01.03 Interpretation of District Boundaries

Wherever any uncertainty exists as to the boundary of any district shown on any zoning map made a part thereof, the following rules shall apply:

- A. Where any such boundary line is indicated as following a street, alley or public way, it shall be construed as following the center line thereof.
- B. Where a boundary line is indicated as approximately following a lot line, such lot line shall be construed to be such boundary line.
- C. Where a boundary line divides a lot or crosses unsubdivided property, the location of such boundary shall be as indicated upon the zoning map.

(Ord. No. 5464, Amended, 06/29/93; Ord. No. 5465, Amended, 06/29/93; ; Ord. No. 5691, Amended, 12/27/95)

Section 11-04-02 CONFORMITY REQUIRED

Section 11-04-02.01 General Intent

Except as otherwise provided herein, land, buildings and premises in any district shall hereafter be used only in accordance with the regulations herein established for that district and the following general provisions: (Ord. 5233, 5-8-90)

- A. No building shall hereafter be erected, constructed, relocated or structurally altered to have a greater height, proportion of coverage or smaller yards or open spaces about it than permissible under the limitations set forth herein for the district in which such buildings are located.
- B. No yards, open spaces or off-street parking space or loading space existing or provided hereafter about any building shall be reduced below the minimum requirements hereinafter set forth for such open space, parking space or loading space, or further reduced if already less than said minimum requirements.
- C. No open space, yard or off-street parking space or loading space existing or hereafter provided for a building or use and necessary to meet or partially meet the requirements of this

ordinance shall be considered as all or part of the yard, open space, off-street parking space or loading space required for any other building or upon any other lot, except as provided in Section 11-10-3 for the joint or collective use of parking space.

D. No lot held under one ownership at the effective date of this ordinance shall be reduced in dimension or area in relation to any building thereon so as to be smaller than required by this ordinance, and if already less, the dimension or area of such lot shall not be further reduced unless approved in writing by the Planning Director when it is shown that a lot line adjustment would improve a non-conforming lot layout situation.

E. No property shall be allowed to maintain an attractive or public nuisance as defined by this Ordinance at any time.

(Amended by Ord. 5233, 5-8-90)
(6127, Amended, 02/26/2002; 5777, Amended, 01/28/1997)

Section 11-04-02.02 Prohibited Uses

Uses prohibited or not specified in the landuse tables are prohibited unless determined by the Planning Director, in accordance with Section 11-2-02.01. to be similar in nature to those specified.
(6127, Amended, 02/26/2002; 5777, Amended, 01/28/1997)

Section 11-04-02.03 Overlay District

All uses are subject to an overlay district.
(Ord. No. 5691, Amended, 12/27/95)

(5777, Amended, 01/28/1997)

Section 11-04-03 RESIDENTIAL DISTRICTS: (R-1A, R-1B, R-1C, R-1M, R-2 & R-3)

(5865, Amended, 09/29/1998)

Section 11-04-03.01 Residential Districts Established

Certain districts, designated by the symbol "R" followed by a numeral, or a numeral and a letter, and referred to collectively as Residential Districts or R Districts, are established (1) to provide space in suitable locations for the various types of residential accommodations needed in the City, and (2) to provide a means of regulating the density and distribution of the population in conformance with the purposes of this Title.

(5865, Amended, 09/29/1998; 5777, Amended, 01/28/1997)

Section 11-04-03.02 Purpose of R-1A, R-1B, R-1C and R-1M Districts

Section 11-04-03.02 Purpose of R-1A, R-1B and R-1C Districts

It is the purpose of the R-1A, R-1B and R-1C District Classifications to provide various regulations and districts for predominantly single family residential uses within the urban community.

Land may be classified to these respective classifications in conformity with the goals and objectives of the Comprehensive General Plan, for location, topographic or other reasonable purposes to guide the physical growth and stability of the City.

Section 11-04-03.02.A Purpose of the R-1M District

It is the purpose of the R-1M zone to: a) provide for the development of diverse urban housing products at a net density of approximately 8 to 12 units per acre; b) promote pedestrian-oriented development; c) promote high quality architectural design; d) encourage development generally consistent with the features of new urbanism as defined in the Boise Comprehensive Plan; and e) allow developer to achieve housing that meets these purposes with a minimal review process.

(6183, Amended, 10/01/2002; 5865, Amended, 09/29/1998; 5777, Amended, 01/28/1997)

Section 11-04-03.03 Purpose of R-2 District Classification

It is the purpose of the R-2 District classification to accommodate a need for medium density residential zones within the City. Land may be classified R-2 in conformity with the goals and objectives of the Comprehensive General Plan to create medium density residential zones on the periphery of more intensive land use areas, to intersperse in the R-2 District limited garden type apartments and in some selected areas, upon City approval, permit quasi-residential uses as well as for the purpose of creating balanced residential zoning patterns within the City.

(5777, Amended, 01/28/1997)

Section 11-04-03.04 Purpose of R-3 District Classification

It is the purpose of the R-3 District classification to provide higher density residential zones, well integrated into the community pattern to accommodate a demonstrated need for residential uses convenient to shopping, recreation, cultural and other concentrated community facilities and to provide an orderly transition from more intensive, high density uses to less intensive, lower density uses.

(5777, Amended, 01/28/1997)

Section 11-04-03.05 Use Standards

Table 1 sets forth the requirements for specific uses in each residential district. The "A" designation indicates the use is allowed in that district subject to any overlay district(s) such as the "D" (Design Review) district. The "AA" designation is for that class of uses that are allowed subject to administrative review of approval criteria and the "CC" designation is for those uses that require a commission level conditional use application. A "P" designation means the use is prohibited in that district. The requirements for any use not listed on Table 1 shall be determined by the Planning Director in accordance with Section 11-02-02.1.

The regulations set forth in Table 1 shall apply, in addition to the general regulations of this ordinance, to all land, buildings and structures located in a residential district.

<p>TABLE 1 RESIDENTIAL DISTRICTS (R-1A, R-1B, R-1C, R-1M, R-2 & R-3) Allowed, Conditional and Prohibited Uses</p>
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(Uses not listed are prohibited)							
<u>USE</u>	DISTRICT	R-1A	R-1B	R-1C	R-1M	R-2	R-3
Animal Hospital		P	P	P	P	P	CC
Backyard Composing		A	A	A	A	A	A
Bikini Bar		P	P	P	P	P	P
Boarding Kennel		P	P	P	P	P	CC
Boarding House, Rooming House		P	P	P	P	CC	A
Child Care Facilities:							
Family Child Care Home (1-6 children)		A	A	A	A	A	A
Group Child Care Home (7-12 children)		AA	AA	AA	AA	AA	AA
Group Child Care (not in home) (7-12 children)		CC	CC	CC	CC	CC	CC
Intermediate Child Care Center (13-20 children)		CC	CC	CC	CC	CC	CC
Large Child Care Center (21+ children)		CC	CC	CC	CC	CC	CC
Child Care within School Building After School		A	A	A	A	A	A
Church and related uses; thrift store, homeless shelter, rectory, etc.		CC	CC	CC	CC	CC	CC
Club/Lodge		P	P	P	P	P	CC
Composting Facility		P	P	P	P	P	P
Convalescent Home		P	P	P	P	CC	CC
Construction Office, Temporary Dwellings		A	A	A	A	A	A
Accessory Uses to Allowed Dwellings		A	A	A	A	A	A
Duplex, One per Lot		AA	AA	AA	P	AA	A
Duplex, One per Substandard Original Lot of Record		AA*	AA*	AA*	P	AA*	A*
Accessory Dwelling Unit		AA	AA	AA	AA	AA	AA
One Detached Single Family Dwelling per lot		A	A	A	A	A	A
One Detached Single Family Dwelling per Substandard Original Lot of Record		AA***	AA***	AA***	AA***	AA***	AA***
Halfway House		P	P	P	P	CC	CC
Home for Physically and/or Mentally Handicapped or Elderly		A	A	A	A	AA	AA

Persons including rehabilitation for persons addicted to drugs and/or alcohol (Plus 2 staff)						
Multi-Family Dwellings (Excluding PUDs)						
Attached Dwelling Units on Substandard Lots of Recored	AA**	AA**	AA**	AA**	AA**	AA**
3 to 6 Dwelling Units in 1 Building	P	P	P	AA**	CC*	A*
7 to 20 Dwelling Units per acre in 1 Building	P	P	P	P	P	A
20 to 43.5 units per acre	P	P	P	P	P	CC
2 or More Multi-Family Building per lot	P	P	P	P	P	CC
High-rise	P	P	P	P	P	CC
Fraternity or Sorority House	P	P	P	P	CC	CC
Golf Course	CC	CC	CC	CC	CC	CC
Gold Driving Range	CC	CC	CC	CC	CC	CC
Govt. Buildings - Nonindustrial (Fire Stations, Post Office, etc.)	CC	CC	CC	CC	CC	CC
Home Occupation	AA	AA	AA	AA	AA	AA
Livestock & Pets (Subject to Section 11-09-09)	A	A	A	A	P	P
Manufactured Home						
- enhanced manufactured home	A	A	A	A	A	A
- stock manufactured home	P	P	P	P	P	P
Manufactured Home Community	CC	CC	CC	CC	CC	CC
Mobile Home	P	P	P	P	P	P
Rehabilitated Mobile Home	P	P	P	P	P	P
Mobile Home Parks	P	P	P	P	CC	CC
Mortuary	P	P	P	P	CC	CC
Motel/Hotel	P	P	P	P	P	CC
Motor Vehicle, Junked or Abandoned	P	P	P	P	P	P
Outdoor Storage of Junk, Refuse, Discarded Equipment	P	P	P	P	P	P
Offices	P	P	P	P	P	CC
Parking Lot, Off Site Accessory	CC	CC	CC	CC	CC	CC

Parks	CC	CC	CC	CC	CC	CC
Planned Unit Development (PUD)	CC	CC	CC	CC	CC	CC
Recreation Center	CC	CC	CC	CC	CC	CC
School (Public, Private or Parochial)	CC	CC	CC	CC	CC	CC
Sexually Oriented Business	P	P	P	P	P	P
Social Center, Commercial	CC	CC	CC	CC	CC	CC
Subdivision Office, Temporary	AA	AA	AA	AA	AA	AA
Swimming Lessons, Private Pool	P	P	P	P	P	P
Swimming Pool, Commercial	CC	CC	CC	CC	CC	CC
Utility Facility - Major	CC	CC	CC	CC	CC	CC
Utility Facility - Minor	AA	AA	AA	AA	AA	AA
Utility Facility (Power Poles) - under 70' high	A	A	A	A	A	A

KEY: A- Uses are allowed.

AA- Uses are allowed but require administrative review of approval criteria. (Section 11-05-01)

CC- Uses require Commission level conditional use approval, subject to Section 11-06-04.

P- Uses are prohibited.

* Subject to Section 11-04-14, Standards for Residential Development or Original Lots of Record in the R-1A, R-1B, R-1C, R-2, R-3, R-O, L-O, N-O, A, C-1, C-2 and C-3 zones.

** In the R-1M District, multiple dwellings in a single building are allowed (AA) only in townhouse or row house design, with one dwelling per lot and dwellings to be attached at the common lot line. Refer to Section 11-04-04.01M (Special Standards for the R-1M District.)

*** Subject to parking requirements of Section 11-10-06 Table 13.

(6461, Amended, 04/04/2006; 6331, Amended, 07/13/2004; 6315, Amended, 04/20/2004; 6183, Amended, 10/01/2002; 6155, Amended, 05/28/2002; 6096, Amended, 10/23/2001; 6071, Amended, 06/19/2001; 6065, Amended, 06/05/2001; Ord. 5894, Amended, 02/24/1999; 5865, Amended, 09/29/1998; 5777, Amended, 01/28/1997; 5337, Added, 08/27/1991, Chapter; 5233, Amended, 05/08/1990)

Section 11-04-03.06 Transitional Uses, Residential Districts

Within all R-1, R-2 and R-3 zoning districts, professional and executive offices are allowed on a lot or parcel where the side of such lot or parcel abuts a commercial or industrial zone. Such uses are not allowed on properties separated from a commercial or industrial zone by an alley or street. All transitional office uses shall be subject to design review. (Amended by Ord. 5233, 5-8-90) (5777, Amended, 01/28/1997)

Section 11-04-03.07 Lot Requirements, Density Limitations, Height Limits

Uses within each residential district shall be subject to certain dimensional restrictions including minimum lot area, lot width, street frontage, building setbacks from property lines and maximum structure height. Table 2 sets forth the lot, yard, density and structure height requirements in the residential districts.

REQUIREMENTS	DISTRICT				
SETBACKS	R-1A	R-1B	R-1C	R-2	R-3
- Front Yard* ****	20'	20'	20'	20'	20'
- Side Yard - Interior** ****					
1-Story Bldg.	10'	10'	5'	5'	5'
2-Story Bldg.	10'	10'	5'	5'	10' '
More than 2 stories	10'	10'	5'	5'	15'
- Side Yard - Street ****	20'	20'	20'	20'	20'
- Rear Yard - 1 or 2 story	30'	30'	15'	15'	15'
- Rear Yard - More than 2 stories	30'	30'	15'	15'	20'
- Yard adjacent to the Interstate or Connector***	20'	20'	20'	20'	20'
LOT AREA					
Interior Lots (sq. ft.)	20,000	9,000	5,000	5,000	5,000
Corner Lots	20,000	9,000	7,000	7,000	7,000
AVERAGE LOT WIDTH					
Interior Lots (Lineal Feet)	100'	75'	50'	50'	50'
Corner Lots (Lineal Feet)	100'	75'	70'	70'	70'
STREET FRONTAGE (Lineal Feet)	30'	30'	30'	30'	30'
MAXIMUM DWELLING UNITS Per Acre	2.1	4.8	8.0	14.5	43.5
HEIGHT LIMIT	35'	35'	35'	35'	45'

* For front yard setback exceptions see Section 11-04-04.02.

** For a principal building other than a single family or duplex dwelling in the R-1 or R-2 zones, the interior side setback shall be at least 1/2 the building height, but no more than 15 ft.

*** Setbacks from the Interstate or Connector are for non-residential uses within the R zones. Setbacks for residential uses are governed by the Subdivision Ordinance.

****For setback exceptions for Substandard Original Lots of Record see Section 11-04-14.

TABLE 2B
R-1M RESIDENTIAL DISTRICT

DIMENSIONAL REINFORCEMENTS	R-1M DISTRICT	
MAXIMUM DWELLING UNITS PER ACRE	12	
Setbacks	Attached	Detached
- Front Yard	10' 20'****	
- Side Yard - Interior	0 *	5'
- Side Yard - Street	10' 20'****	
- Rear Yard - With Alley	5'	
- Rear Yard - Without Alley	N/A	15' 5'***
- Yard adjacent to the Interstate or Connector	20'	20'
MINIMUM LOT AREA (SQ. FT.)		
Interior Lots	2,160	4,320
Corner Lots	3,360	5,520
MINIMUM LOT WIDTH		
Corner Lots (Lineal Feet)	28'	46'
Interior Lots (Lineal Feet)	18'	36'
MINIMUM OPEN SPACE PER UNIT	10% Net Lot Area	
MAXIMUM NUMBER OF ATTACHED UNITS	6	N/A
MINIMUM STREET FRONTAGE (LINEAL FEET)	18'	36'
MAXIMUM HEIGHT LIMIT	35'	

* A five foot (5') interior side yard setback is required for end units. Lot widths should be adjusted accordingly.

** Fifteen foot (15') setback is for living area. Five foot (5') setback is for parking area/garage.

*** Ten foot (10') setback is for living area. Parking area/garage must have a minimum twenty foot (20') setback and be located a minimum of ten feet (10') behind the facade of the home.

(6461, Amended, 04/04/2006; 6386, Amended, 02/22/2005; 6315, Amended, 04/20/2004; 6096, Amended, 10/23/2001; Ord. 5919, Amended, 07/28/1999; 5865, Amended, 09/29/1998; 5777, Amended, 01/28/1997; 5302, Added, 04/02/1991)

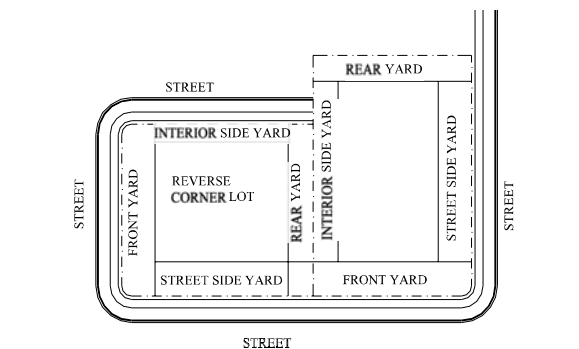
Section 11-04-04 PROPERTY DEVELOPMENT STANDARDS

(5865, Amended, 09/29/1998)

Section 11-04-04.01 General Standards

A. No detached accessory building or structure shall occupy any area in front of the main building, unless approved as a Commission level conditional use. However, on lots which have factory built housing, topographical or other physical constraints, the Planning Director may approve a detached accessory building or structure in front of the main building.

B. Regardless of their size, detached accessory buildings shall not encroach into required street side or front yard areas.

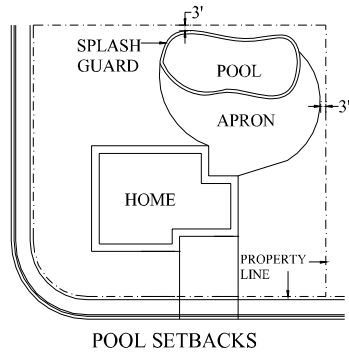


C. Rear or side street setback areas may not be used for off-street parking or loading areas. Side yards that do not abut a street may be utilized for off-street parking; provided that a minimum five foot (5') wide landscape area be constructed and maintained along the adjoining property line. For detached single family residential uses in the R-1A, R-1B, R-1C, R-1M, R-2 and R-3 districts, a minimum three foot (3') wide landscape area is required.

D. In all residential zones garages and carports opening onto a side street must have a minimum distance between the opening of such garage or carport and the side street lot line of not less than twenty feet (20').

E. Accessory structures, such as decks and patios, which are one foot (1') or less in height, as measured from the property's finished grade, may occupy any yard area.

F. In-ground pools which are one foot (1') or less in height, as measured from the property's finished grade, may occupy any rear or interior side yard area, provided a minimum three foot (3') setback is maintained from the pool apron or splashguard. Diving boards, decks and other features that are more than one foot (1') above grade shall be located outside of setbacks.



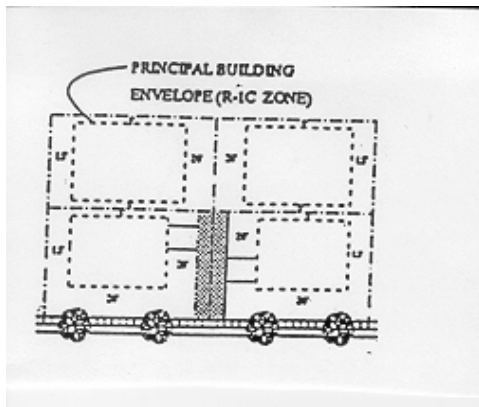
G. Detached accessory structures with a minimum of six feet (6') of separation from other structures may utilize the following setback reductions:

1. Detached accessory structures under 120 square feet in area and under seven feet (7') in height (from grade to the top of the wall under the roof) are permitted in any yard area, except in front of the main building and in required street side and front yard areas.
2. Detached accessory structures which are over one hundred and twenty (120) square feet, but less than or equal to five hundred (500) square feet of area and which are less than twenty-two feet (22') in height, may have reduced interior side yard setbacks of three feet (3') and rear yard setbacks of nine feet (9'). Accessory buildings which use these reduced setbacks may not occupy more than fifty percent (50%) of the lot's rear or side yard widths. Side setback requirements for Substandard Lots of Original Record shall comply with Section 11-04-14.
3. Setbacks from Alley: Alley loaded parking and parking structures shall provide a back up area of no less than twenty two feet (22') in length. This back up area may be provided for within the alley and the subject lot but not within an accessory structure. A minimum 5 foot (5') paved apron is required regardless of alley width. For side entry alley loaded garages the twenty two feet (22') of paved back up area shall be provided for within the subject lot. Detached accessory structures that are under 1,000 square feet in area and under twenty-two feet (22') in height may be built to the rear or side lot line where such lot line abuts an alley provided that the back up area required for parking structures is provided. Accessory structures over 1,000 square feet in size or over twenty two (22') in height shall comply with the setback requirements of the zone.

H. The Planning Director may require that a building envelope, which identifies the required setback for the principal building on a lot or parcel, be shown on the preliminary plat or conditional use/PUD site plan. This plan will guide compatible building citing on (1) flag lots (2) lots in the hillside and Boise River environments, and (3) other lots where setback interpretation for the principal building needs to be clarified.

I. Common Driveways. Applications for common driveways shall be reviewed as a zoning certificate or as part of the subdivision review process. The Planning Director shall approve common driveways that meet all of the following requirements:

1. The common driveway provides access to no less than two (2) lots, and no more than six (6) lots, which are principally occupied with a structure that contains no more than one (1) single family or townhouse dwelling unit.
2. The length of the common driveway shall not exceed one hundred and fifty feet (150'), and shall not be less than twenty feet (20') wide for the entire length of the common driveway. "No parking signs" shall be placed on the common driveway.
3. A five foot (5') wide landscaped area shall be installed and maintained between the common driveway and lots which do not utilize the common driveway.
4. The street frontage requirement of each flag lot served by the common driveway is no less than five feet (5'), with the provision that the edge of the common driveway will be superimposed on property line(s) in a practical manner; In some cases, a street frontage greater than five feet (5') may be necessary in order to comply with other requirements of this Section.
5. Unless limited by geographical features, all lots or parcels which abut a common driveway shall take access from the common driveway, and all individual private driveways shall originate from the common driveway and not from the public right-of-way.
6. A perpetual ingress/egress access easement shall be provided which shall include a requirement for a concrete or asphaltic paved surface and provisions for maintenance of the common driveway including any required landscaping. The required easement shall be placed of record prior to the issuance of any building permit for any lot utilizing the common driveway. If a final plat or Record of Survey is associated with the creation of a common driveway, the easement area shall also be clearly depicted on the plat or survey.
7. Required off-street parking shall be setback a minimum of twenty feet (20') from the edge of the common driveway. Existing residences on parcels that will take access from a proposed common driveway shall provide or construct required off-street parking prior to any land division of parcels that will access the common driveway.
8. In the case of a subdivision plat, the common driveway and utilities shall be constructed concurrently with all other public improvements.
9. The use of the common driveway benefits the design of the development and reduces the number of accesses onto the public street.



J. Residential accessory buildings that exceed 1,000 sq. ft. in area and accessory buildings 22' or greater in height must comply with the minimum required setbacks of the "R" zoning districts and must receive a Zoning Certificate from the Planning Director prior to the issuance of a Building Permit. The Planning Director shall make the following findings as part of the Zoning Certificate approval:

1. No commercial uses will take place within the building, and;
2. The square footage of the building does not exceed the total floor area of the principal building, and;
3. The building complies with all setbacks of the zone, and;
4. The building is architecturally compatible with the primary building in terms of its design and materials, and;
5. The building is compatible with neighboring properties in terms of its mass, materials and design, or landscaping or other design elements have been used to reduce any impacts, and;
6. The building complies with Boise City Code, Floodplain, Boise River System, and Hillside and Foothills Ordinances.

K. Special Standards for the R-1M District:

1. Each attached unit must have 1.5 parking spaces, one of which must be covered. The required covered parking must be located at the rear of the property and be accessed by an alley. Other parking must be located at least 10 feet behind the front facade of the units.
2. Each detached unit must have two parking spaces with at least one space covered. Parking shall be located either at the rear of the lot and be accessed from an alley, or must be located at least 10 feet behind the front facade of the home and be accessed by a driveway that, for the portion in front of the home, is no more than 12 feet wide.
3. Tandem parking may be permitted.

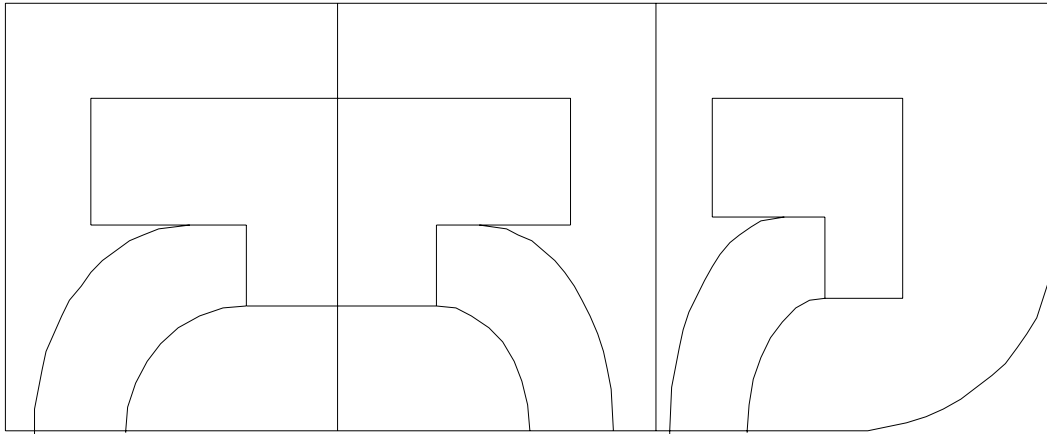
4. All units must have a front door visible from the street and a sidewalk to the front door from the street. Dwelling units located on a street corner may have these features on the exterior side of the building. Where feasible, a separated sidewalk with a landscape strip is preferred.
5. Each attached unit must have a facade or roof treatment that distinguishes it from the other attached units. Architectural treatments used to achieve this may include individual pitched roofs, modulated facades, porches, different siding materials and colors, dormers and pop-outs, vertical windows or other mechanisms that add interest to the structure and highlight the difference between units. These architectural treatments may also be used to demonstrate acceptable design for single family detached units.
6. All units must be provided with either individual on-site (backyard/courtyard) or common area open space equal to 10% of the net lot area per unit. The minimum dimension for open space area shall be twelve (12) feet and may not be located within required setback areas, except in the case of 0' lot line developments where interior side yard setback areas may be counted into the open space. Common area open space may not be closer than five (5) feet to any opening in a dwelling unit. Decks and balconies shall not constitute open space.
7. One deciduous tree of at least 2-inch caliper (or 6 feet tall for evergreens) shall be planted in front of each attached or detached unit. The Urban Forester shall be consulted for species selection.

(6461, Amended, 04/04/2006; 6315, Amended, 04/20/2004; 6302, Amended, 02/03/2004; 6127, Amended, 02/26/2002; 6096, Amended, 10/23/2001; Ord. 5919, Amended, 07/28/1999; 5865, Amended, 09/29/1998; 5777, Amended, 01/28/1997)

Section 11-04-04.02 Setback Exceptions in the "R" Districts

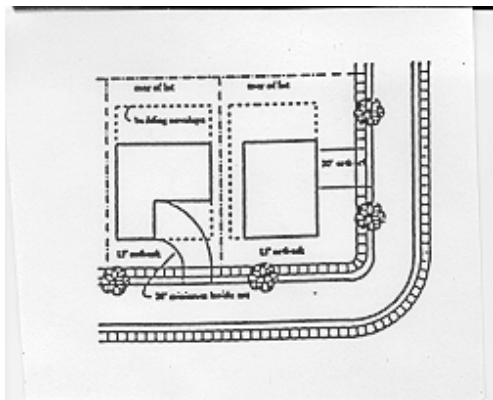
A. When a building setback line in any block is delineated on the subdivision map thereof, as approved by the Council and recorded in the Office of the County Recorder, the setback shown on the subdivision map or plat shall govern.

B. A single-family or duplex residence that utilizes a side entry garage may have a 15 foot (15') front yard setback, provided that the distance along the inside edge of the driveway is no less than 20 feet (20'). For sites in the R-1M District, the less restrictive setbacks of that district shall apply. This setback exception does not apply if setbacks have been approved through a planned unit development or delineated on the subdivision plat.



Any single family dwelling (detached or attached/duplex) may have a reduced 15-foot frontyard setback for a side-entry garage.

C. A 15 foot (15') front yard setback may be permitted for a single-family or duplex residence provided that it is designed with living space floor area that projects any distance in front of the area proposed for required parking. The 15 foot (15') setback applies to the projected living space; required parking shall be setback 20 feet (20') from the front lot line. For sites in the R-1M District, the less restrictive setbacks of that district shall apply. This setback exception does not apply if setbacks have been approved through a planned unit development or delineated on the subdivision plat.

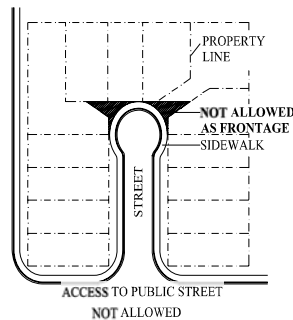


D. For corner lots, either street may be designated as the front yard. Once chosen, the front, street-side, rear and interior-side yard designations may not be changed. Building design shall match the designated yards.

(6331, Amended, 07/13/2004; 6315, Amended, 04/20/2004; Ord. 5919, Amended, 07/28/1999; 5919, Renumbered, 06/22/1999; 5865, Amended, 09/29/1998; 5777, Amended, 01/28/1997)

Section 11-04-04.03 Access to Public Street

No building shall be constructed or erected upon any lot unless such lot abuts upon a public street, or upon a lot having a permanent access easement to a public street which was of record prior to the effective date of this Ordinance, or upon a private street which has been designated as such by the Council after recommendation from the Commission. No lot shall be deemed to abut upon a street unless it has a frontage thereon of not less than thirty feet (30') and a lot width not less than thirty feet (30') for the full length or depth of the lot or has an approved common driveway with five feet (5') of frontage on a street. The extension of the public right-of-way outside the roadway improvement, in order to meet the minimum street frontage requirement for a lot, shall be prohibited (see example below).



(6461, Renumbered, 04/04/2006; 6315, Amended, 04/20/2004; 6302, Amended, 02/03/2004; 6155, Renumbered, 05/28/2002; Ord. 5919, Amended, 07/28/1999; 5919, Renumbered, 06/22/1999; 5865, Amended, 09/29/1998; 5777, Amended, 01/28/1997; 5691, Amended, 12/27/1995; 5637, Amended, 06/20/1995; 5587, Amended, 11/15/1994; 5233, Amended, 05/08/1990)

Section 11-04-04.04 Access Exceptions for the R-1M District

When attached single family units are constructed in the R-1M zone, the minimum frontage requirement is reduced to 18 ft.

(6461, Renumbered, 04/04/2006; 6155, Renumbered, 05/28/2002; Ord. 5919, Amended, 07/28/1999; 5919, Renumbered, 06/22/1999; 5865, Added, 09/29/1998)

Section 11-04-05 REGULATIONS FOR NEIGHBORHOOD OFFICE (N-O), LIMITED OFFICE (L-O) AND RESIDENTIAL OFFICE (R-O) DISTRICTS

11-04-05.1 Regulations for Neighborhood Office (N-O) Districts

Purpose: It is the purpose of the Neighborhood Office district to provide for professional offices and similar uses adjacent to or in proximity to residential uses. The zone is intended to allow office uses serving nearby neighborhoods in buildings and on sites that are small relative to office developments in other zoning districts. Development is intended to be of a scale and character similar to nearby residential development to promote compatibility with the surrounding area.

11-04-05.2 Regulations for Limited Office (L-O) Districts

Purpose: The Limited Office district is intended to accommodate the development of office space together with necessary off-street parking facilities in locations served by primary access, but inappropriate for commercial development because of close proximity to residential uses. It is intended that administrative, professional and limited business office uses permitted in this district be located and designed so as to be compatible with adjacent residential uses. The regulations in Tables 2.1 and 2.2 shall apply, in addition to general regulations of this Ordinance, to property in any L-O district.

11-04-05.03 Regulations for Residential Office (R-O) Districts

Purpose: The Residential-Office District is established to fulfill the needs of providing an urban transitional buffer between high intensity commercial areas and adjacent higher density residential areas, or institutional and government uses; and to implement mixed use development in those areas identified for mixed use in the Comprehensive Plan, the Downtown Boise Plan and the River Street-Myrtle Street Urban Design Plan. The R-O zone is intended to provide for higher density residential and office uses with an emphasis on high quality urban design and pedestrian-orientation. The R-O zone is not a commercial district and Conditional use applications shall not be accepted for stand alone commercial uses that do not meet the requirements of this section. Groceries are the only commercial/retail use that may be considered as a single stand-alone use. Flexible development standards and the application of Design Review principles are intended to be used to stress residential and mixed use design principles. The regulations in Tables 2.1 and 2.2 shall apply, in addition to the general regulations of this Ordinance, to all land, buildings and structures located in the R-O District. Lands may be classified R-O in accordance with the Comprehensive General Plan.

11-04-05.04 Use Standards

Table 2.1 sets forth the requirements for specific uses in the N-O (Neighborhood Office), L-O (Limited Office and R-O (Residential-Office) districts. The regulations set forth in Table 2.1 shall apply, in addition to the general regulations of this ordinance, to all land, buildings and structures located in the N-O, L-O, and R-O Districts.

TABLE 2.1 NEIGHBORHOOD OFFICE (N-O), LIMITED OFFICE (L-O) AND RESIDENTIAL-OFFICE (R-O) DISTRICTS Allowed (A), Conditional (CC), Admin. Approval (AA) and Prohibited (P) Uses			
<u>USE</u>	<u>N-O</u>	<u>L-O</u>	<u>R-O</u>
Adult Day Care (all approvals subject to Section 11-06-06.02(j))	CC	AA	AA
Animal Hospital	CC	CC	* CC
Auction Establishment	P	P	P
Automobile related Business	P	P	P
Bank, Financial Institution (excluding drive-up)	CC	CC	* CC
Bikini Bar	P	P	P
Bottling & Distribution Plant	P	P	P
Bus Station	P	P	P
Child Care Facilities			
Family Child Care (1-6 children)	A	A	A
Group Child Care Home (7-12 children)	AA	AA	AA
Group Child Care (7-12 children, not in home)	AA	AA	AA

Child Care Centers			
Intermediate Child Care Center (13-20 children)	CC	AA	AA
Large Center (21+ children)	CC	CC	CC
Child Care Within Existing Building - After School	A	A	A
Church	CC	CC	CC
Club, Lodge, Social Hall	CC	CC	CC
Construction Business	P	P	P
Drive-Up Window	CC	CC	P
Auto Emission Van Test Site	P	AA	P
Coffee/Espresso Stand with drive-up window	P	AA	P
Health Care Facilities			
Convalescent & Nursing Home	CC	CC	A
Dental Office	A	A	A
Doctor's Office	A	A	A
Hospital or Sanitarium	CC	CC	CC
Laboratory - Medical/Dental	CC	CC	CC
Medical Research Facilities	CC	CC	CC
Pharmacy	CC	CC	* CC
Optician Shop	CC	CC	* CC
Laundry, Clothes Cleaning, Pressing Business	P	P	P
Laundry, Industrial	P	P	P
Laundry, Self-Service	P	P	* CC
Mausoleum	A	A	CC
Mortuary	CC	CC	CC
Motel/Hotel	P	CC	CC
Newspaper & Printing Establishment Offices	P	P	P
Offices	A	A	A
Parking Lot - Commercial	P	CC	CC
Parking Lot - Off-Site Accessory	CC	CC	CC
Parking Garage/Structure	CC	CC	CC

Parks and Plazas	A	A	A
Planned Development	CC	CC	CC
Printing, Lithography, Publishing & Associated Reproductions, exclusive of Pater Manufacturing	P	CC	CC
Radio & Television Stations	P	CC	CC
Recreation			
Commercial - Indoor: Bowling Alley, Skating Rink, Arcade, Arena, Archery	P	CC	P
Commercial - Outdoor: Amusement Park, Ball Park (baseball, football, soccer, water park, batting cages, etc.)	P	P	P
Residential			
Single Family & Duplex Dwellings **	CC	CC	A
Manufactured Home			
- enhanced manufactured home	CC	CC	A
- Stock manufactured home	P	P	P
Manufactured Home Community	CC	CC	CC
Mobile Home	P	P	P
Rehabilitated Mobile Home	P	P	P
Multiple Family Dwellings **	CC	CC	A
Boarding & Rooming House	CC	CC	A
Halfway House	CC	CC	CC
Home for the Physically or Mentally Handicapped	AA	AA	AA
Residential Uses for Owner or Caretaker	AA	AA	A
Retail Uses			
Grocery	P	P	CC
Retail Store: Convenience Store, Stationery/Office Supply, Sundries, Video Rental, Clothes, Gifts, Sporting Goods and other similar uses intended to serve primarily the needs of local area residents.	P	P	* CC
Personal Service, Barber Shop, Studios	P	P	* CC
Photography Studio	P	CC	* CC
Regional Shopping Center (or individual store with a regional market area)	P	P	P
Restaurant	P	P	* CC
Theater (Including Drive-Ins)	P	P	P

Sales			
Building Materials, Hay, Grain, Bulk Garden Supply, Heavy Materials	P	P	P
Seed & Garden Supply	P	P	P
Schools			
Public, Private or Parochial	CC	CC	CC
Private Commercial (Business, Art, Dance, Music, Medical-Dental Technician)	CC	CC	* CC
Sexually Oriented Business	P	P	P
Vocational, Trade, Industrial	P	P	P
Storage			
Self-Service	P	P	P
Outdoor, excluding flammable, corrosive, or hazardous substances	P	P	P
Warehouse	P	P	P
Tavern/Lounge	P	P	* CC
Transit/Trucking Terminal	P	P	P
Truck Stop	P	P	P
Utility Facility - Major	P	CC	CC
Utility Facility - Minor	AA	A	AA
Wholesale Business	P	P	P

* See section 11-04-05.06.K. for additional requirements for these conditional uses.

** For setback exceptions for Substandard Original Lots of Record see Section 11-04-14.

11-04-05.05 Dimensional Standards

Tables 2.2A and 2.2B sets forth the dimensional and area requirements for the N-O, L-O and R-O Districts. For Substandard Original Lots of Record see Section 11-04-14.

TABLE 2.2A NEIGHBORHOOD OFFICE (N-O), LIMITED OFFICE (L-O), AND RESIDENTIAL OFFICE (R-O) DISTRICTS Dimensional Requirements			
<u>REQUIREMENT</u>	<u>N-O</u>	<u>L-O</u>	<u>R-O</u>

Minimum Lot Area (Square Feet)			
Lot for - Residential Uses	3,000	5,000	2,500
Lot for - Office/Commercial Uses	5,000	5,000	5,000
Minimum Average Lot Width			
Residential Lot	50 ft.	50 ft.	25 ft.
Office/Commercial Lot	50 ft.	50 ft.	50 ft.
Minimum Street Frontage	30 ft.	30 ft.	25 ft.
Setbacks			
* Front Yard	**	**	10 ft.
* Street Side Yard	**	**	10 ft.
* Yards fronting a Principal Arterial Street	**	**	20 ft.
* Yards adjacent to the Interstate or Connector	**	**	20 ft./10 ft.***
Interior Side Yards (Total Combined Width) (Minimum allowed on one side only: 0')	**	**	15 ft.
Rear Yard	**	**	5 ft.
Maximum Building Height	35 ft.	45 ft.	35 ft.
Minimum Lot Area per Unit (Square Feet)		1,000 ft.	500 ft.
Maximum Dwelling Units Per Acre	14.5	43.5	87.1

* All structures and facade features shall be required to meet clear vision triangle standards as stated in Section 11-01-01.4, Boise City Code.

** Refer to Table 2.2B for these dimensional standards.

*** Setbacks along the Interstate (I-84) and the connector (I-184) shall be 20' for the building and 10' for the parking.

TABLE 2.2B
SETBACKS IN N-O AND L-O DISTRICTS

N-O	BUILDING SETBACKS		PARKING LOT AND SERVICE DRIVE SETBACKS	
	Standard	Rear or Side Yard Abutting a Residential	Standard	Rear or Side Yard Abutting a Residential Use or District

		Use or District		
Front/side adj. to street	15'	15'	20'	20'
Interior side & rear yards - 1 story	5'	10'	5'	10'
2 or more stories	5'	10'	5'	10'
Yards adjacent to the Interstate or Connector	20'	NA	10'	NA

L-O	BUILDING SETBACKS		PARKING LOT AND SERVICE DRIVE SETBACKS	
	Standard	Rear or Side Yard Abutting a Residential Use or District	Standard	Rear or Side Yard Abutting a Residential Use or District
Front/side adj. to street	20'	20'	20'	20'
Interior side & rear yards - 1 story	5'	5'	5'	10'
2 stories	10'	10'	5'	10'
Greater than 2 stories	15'	15'	5'	10'
Yards adjacent to the Interstate or Connector	20'	NA	10'	NA

11-04-05.06 Additional Development Standards for the R-O District

- A. For the primary building, one or more of the following building features may be located within a portion of a required setback area or exceed the maximum height standard or both, provided the features do not exceed maximum encroachment or coverage percentages.

Dimensional Percent

Feature	Coverage	Standard/Setback	Encroachment
*Modulated Facade	Front, Street, or Interior Side Yard	50%	80%
**Roof Line Variation/ Gabled Roof Height Gabled Roof Height		35%	N/A
Decks, Patios, or Similar Types of Features Located Above the Ground Floor	Front/Street Side Yard	100%	50%

- * Encroachment into, and coverage of, a required setback shall be allowed for facade (wall of building) modulation, provided the maximum facade length without wall modulation does not exceed twenty feet (20') and a minimum wall modulation depth of three feet (3') is provided

within that length.

Coverage: Means the maximum percentage of land area within the permitted setback encroachment(s) that may be covered by structure.

- ** Encroachment above the maximum building height for roof line variation shall be allowed if the maximum roof line length without variation does not exceed thirty feet (30') and a minimum of three feet (3') of horizontal or vertical off-set is provided within that length as measured from the ridge line.
- B. Modification of setback requirements, except those allowed for facade modulation features meeting the standards of this section, shall be allowed only in accordance with the provisions of Section 11-04-04.5 if applicable, or in accordance to Section 11-06-11 of the Boise City Code.
- C. The provisions regulating Design Review Combining "D," Downtown Design Review combining "DD," and Historic Design Review Combining "HD" Districts as regulated by Section 11-04-09.1, B.C.C., and shown on the zoning maps pursuant to Chapter 7 of the Boise City Code shall apply within the R-O zoning district.
- D. Height exceptions, except for roof line features meeting the standards of this section, shall require a commission-level conditional use permit in accordance with the provisions of Section 11-06-06.13 of the Boise City Code.
- E. Planned developments within the R-O district shall comply with the provisions of Section 11-06-05 of the Zoning Code except as modified by the following provisions:
1. Minimum size provisions established under Section 11-06-05.2. (Use Exceptions) and Section 11-06-05.3.B., #2 & #4 (Commercial and Office Uses), shall be reduced to 18,000 sq. ft.
 2. Total area of use exceptions established under Section 11-06-05.2.B. (Use Exceptions: 20% Exception), will be based on total land area or total floor area (whichever is greater).
 3. Special Use Provision: An equal amount of residential use (measured in gross square feet) shall be provided for each gross square feet of use(s) approved by special exception.
- F. All non-residential uses and related activities, except parking, shall be conducted within a completely enclosed structure.
- G. Detached accessory structures may occupy a required rear yard setback area, provided five foot (5') side yard setback is met on one side of the lot. In the case of a corner lot, a detached accessory structure shall meet both street side yard setback and sight distance requirements.
- H. Open-air parking areas (including access driveways) shall be allowed within interior side yards provided a minimum five foot (5') wide landscaped area is maintained along the side property line. The street side yard setback area shall be landscaped to screen such parking areas.
- I. If a lot's rear property line fronts on a public alleyway, open-air parking shall be allowed up to the interior side lot line for a depth of not more than twenty-four feet (24') as measured from the rear lot line.

- J. Shared parking shall be authorized by the Planning Director upon application for review subject to meeting required findings specified in Section 11-10-03.B., paragraphs 1-3, of the Zoning Code.
- K. Those uses shown in Table 2.1 that are permitted by Conditional Use and further indicated by asterisk (*) as being subject to additional requirements, may only be approved as part of a larger mixed use project of principally allowed uses such as office or residential and shall not exceed 30% of the gross floor area of the mixed use project within which they are included. The conditional uses may be included within a principally permitted use building or as a separate building within a multi-building mixed use project. The conditional use may not be occupied until an equal amount of floor area of the principally allowed uses have been constructed to the core or shell stage and are available for tenant finish.

The Planning & Zoning Commission may allow the proportion of retail in mixed use developments to exceed 30% to a maximum of 40% if the following criteria are met.

1. Residential dwelling units represent the larger portion of the mixed use; or
2. One or more of the following amenities are furnished at the developer's expense:
 - a. Public Open Space: A public space (plaza, courtyard, pedestrian mall) containing a minimum square footage equal to 30% of the total building footprint with a minimum dimension of 20 feet. The public space shall be predominantly open above, designed for pedestrian use and not for vehicular access or parking. At least 10% of the plaza area shall be landscaped. Seating and other site amenities such as tables, trash receptacles, lighting, public art and similar items shall be provided as appropriate. The Planning and Zoning Commission may consider private residential open space to constitute a portion of the public open space requirement; or
 - b. Parking Structure: A parking facility located within a structure which is developed as an integral part of a building or building complex. The parking structure must provide at least 50% of the total parking for the entire project. Below ground structures shall be covered by a structure or developed open space accessible to the public. Above-grade structures shall be designed so that vehicles are not visible from adjacent public rights-of-way or pedestrian walkways, shall feature leasable floor space on the ground floor adjacent to any public street, and shall have the same exterior surface materials as used on the principle building; or
 - c. New Urbanism Design: A design in which the buildings front the sidewalk and the parking is located behind or beside the building, but in no case closer to the street than the building. In the case of a parking lot beside the building, the width of the parking lot shall not exceed the width of that portion of the site devoted to the building. Parking lots may not be located at the intersection of two streets. In most cases, a minimum 10 foot wide landscape strip shall separate all sidewalks from the street. The sidewalks shall be a minimum width of 10 feet, with the 6 feet closest to the street established as a public easement. The main entrance to the building shall be located to face the street. New urbanism designs must adhere to the minimum setback and landscaping requirements of this code. Projects that are located within the River Street-Myrtle Street Urban Design Area shall follow the Development Regulations for streetscape design as identified in the

River Street-Myrtle Street Urban Design Plan.

11-04-05.07 Signs in the N-O District

Signs in the N-O district shall be regulated in accordance with the standards for signs in the R-3 district, as found in the Boise City Sign Regulations.

(6461, Amended, 04/04/2006; 6386, Amended, 02/22/2005; 6315, Amended, 04/20/2004; 6183, Amended, 10/01/2002; 6096, Amended, 10/23/2001; 6071, Amended, 06/19/2001; 6048, Amended, 04/10/2001; 6007, Amended, 07/25/2000; Ord. 5917, Amended, 05/18/1999; 5894, Amended, 02/23/1999; 5777, Amended, 01/28/1997)

Section 11-04-06 REGULATIONS FOR NEIGHBORHOOD COMMERCIAL (C-1), GENERAL COMMERCIAL (C-2), SERVICE COMMERCIAL (C-3), PLANNED COMMERCIAL (C-4) AND CENTRAL BUSINESS (C-5) DISTRICTS

11-04-06.01 Commercial Districts Established

Certain districts, designated by the symbol "C", followed by a numeral, or numeral and letter, and referred to collectively herein as "C" or Commercial Districts, are established to preserve and enhance property values by providing space in suitable locations for the various types of business activity needed to serve the people and commerce in the city in conformance with the Comprehensive General Plan.

11-04-06.02 Purpose of Neighborhood Commercial or C-1 District

It shall be the purpose of the Neighborhood Commercial or C-1 District classification to provide for commercial uses of a small scale in or near residential neighborhoods. The emphasis of the district is on uses which will provide services for nearby residential areas, and other uses which are compatible with residential uses, and having relatively little impact. The zone is intended for sites that are small relative to sites in other commercial districts. Neighborhood commercial developments should be limited to sites of 10 acres or less, and are more typically located on sites of 5 or fewer acres.

11-04-06.03 Purpose of General Commercial or C-2 District

It shall be the purpose of the Neighborhood Commercial or C-2 District classification to establish district zones regulated to fulfill the needs for travel-related service and retail sales areas within the City. Areas set aside as C-2 may be classified as such in conformity with the comprehensive general plan and in consideration of commercial uses along traffic routes and within community shopping centers. The regulations in Table 3 shall apply, in addition to the general regulations of this Ordinance, to all land, buildings and structures located in any C-2 District.

11-04-06.04 Purpose of Service Commercial or C-3 District

It shall be the purpose of the Service Commercial or C-3 District classification to provide for activities of a service nature which are more intensive in use than those permitted in other commercial zones and which are semi-industrial in character. Lands designated as C-3 shall have businesses located therein not requiring industrial locations. The regulations in Table 3 shall apply, in addition to the general regulations of this Ordinance, to all land, buildings and structures located in any C-3 District.

11-04-06.05 Purpose of Planned Commercial or C-4 District

It shall be the purpose of the Planned Commercial or C-4 district to promote imaginative,

innovative and comprehensively planned commercial developments which are designed to compliment the surrounding community and service delivery systems. The highest standards of architecture, landscaping and site planning are encouraged to accomplish this purpose. These regulations may be used to encourage medium to high density residential projects within a mixed use area or within a predominantly commercial area. Industrial uses are not appropriate in the C-4 district. Nearly all uses within the C-4 Planned Commercial zone shall require approval of a planned development conditional use application by the Planning & Zoning Commission. The submittal of conditional use applications as planned developments is necessary to promote integrated site planning and to minimize access points. Lands may be classified C-4 in accordance with the Comprehensive General Plan.

Table 3 sets forth the requirements for specific uses in the C-4 district. Conditional uses listed in Table 3 can be reviewed by the Commission when a planned development application is submitted meeting all of the requirements for such application. The planned development integrated site plan shall include all of the C-4 zoned area and uses which are part of the planned development. No subdivision plat may be reviewed or approved which is not in compliance with an approved planned development. Any use not listed on Table 3 shall be determined by the Planning Director whether it is similar in nature to uses which are listed. Otherwise uses not listed are prohibited. The regulations set forth in Table 3 shall apply, in addition to the general regulations of this ordinance, to all land, buildings and structures located in the C-4 district. Uses within an approved planned development may be changed to another permitted use in the C-4 zone without requiring a new conditional use permit provided the new use is substantially similar in land use characteristics to the approved uses and no significant exterior alterations to the approved planned development site plan are necessary. A Zoning Certificate is required for use changes.

11-04-06.06 Purpose of Central Business or C-5 District

It shall be the purpose of the Central Business or C-5 District classification to establish a distinct zone regulated to address the needs of the City's Central Business District and to provide for activities conducive to a compact and concentrated urban downtown commercial center. Lands may be classified C-5 where contiguous to existing C-5 designated lands. Land that is not contiguous to the C-5 district but located in an urban renewal district may be classified as C-5 but shall be subject to a development agreement and the criteria in Section 11-04-06.13. All applications to establish C-5 zoning of noncontiguous parcels shall be accompanied by a development agreement application.

11-04-06.07 Mixed Use Provisions

Within the C-4 district, the Commission may require residential and office uses as part of a predominantly commercial planned development when they find one of the following:

- A. The development will not provide for a compatible arrangement of land uses to adjacent properties.
- B. Public services such as sewer, water, police and fire protection will be overloaded.
- C. The transportation system is inadequate to accommodate the uses.
- D. The development does not appropriately utilize existing public open space.

11-04-06.08 Change of Use

Uses within an approved planned development may be changed to another permitted use in the C-4 zone without requiring a new conditional use permit provided the new use is substantially similar in land use characteristics to the approved uses and no significant exterior alterations to the approved planned development site plan are necessary. A Zoning Certificate is required for use changes.

11-04-06.09 Use Standards

Table 3 sets forth the requirements for specific uses in the Commercial zones.

TABLE 3 COMMERCIAL (C-1, C-2, C-3, C-4 & C-5) DISTRICTS Allowed, Conditional and Prohibited Uses (Uses not listed are prohibited)						
<u>USE</u>	<u>DISTRICT:</u>	C-1	C-2	C-3	C-4	C-5
Adult Day Care (All approval subject to Section 11-06-06.02(J))		AA	CC	P	P	CC
Animal Related Business						
Animal Daycare/Boarding Kennel		CC	CC	CC	CC	P
Small Animal Grooming		A	A	A	CC	P
Animal Hospital		CC	CC	CC	CC	P
Auction Establishment		CC	CC	A	CC	CC
Automobile Related Business						
Sales Lot, Surfaced		P	A	A	CC	P
Service Station		CC	A	A	CC	P
Repair Shop - Major		P	CC	A	CC	P
Repair Shop - Minor		CC	A	A	CC	P
Car Wash		CC	A	A	CC	P
Bank, Financial Institution (Excluding Drive-up)		A	A	A	CC	A
Bikini Bar		P	CC	CC	CC	CC
Bottling & Distribution Plant		P	P	CC	CC	P
Bus Station		P	A	A	CC	CC
Child Care Facilities:						
Family Child Care Home (1-6 children)		A	A	A	A	A
Group Child Care Home (7-12 children)		AA	AA	AA	AA	AA

Group Child Care (not in home) (7-12 children)	AA	CC	CC	CC	AA
Child Care Centers:					
Intermediate Child Care Center (13-20 children)	AA	CC	CC	CC	AA
Large Child Care Center (21+ children)	CC	CC	CC	CC	CC
Child Care Within Existing Building - After School	A	A	A	A	A
Church	A	A	A	A	A
Club/Lodge/Social Hall	A	A	A	CC	A
Composting Facility	P	CC	CC	P	CC
Construction Businesses:					
Contractor Shop	P	P	A	P	P
Sheet Metal Shop	P	P	A	P	P
Roofing Shop	P	P	A	P	P
Sign Painting Shop	P	P	A	P	P
Convenience Store with Gasoline Service	AA	A	A	CC	P
Drive-up Window *	CC	CC	CC	CC	CC
Auto-Emission Van Test Site	AA	AA	AA	AA	AA
Coffee/Esspresso Stand	AA	AA	AA	AA	AA
Firing Ranges					
Indoor	CC	AA	AA	CC	P
Outdoor	P	P	P	P	P
Golf Course	CC	CC	CC	CC	P
Driving Range	CC	CC	CC	CC	P
Health Care Facilities					
Convalescent & Nursing Home	CC	CC	CC	CC	CC
Dental Office	A	A	A	CC	A
Doctor's Office	A	A	A	CC	A
Hospital or Sanitarium	CC	CC	CC	CC	CC
Laboratory - Medical/Dental	CC	A	A	CC	A
Medical Research Facilities	CC	CC	CC	CC	CC

Pharmacy	A	A	A	CC	A
Optician Shop	A	A	A	CC	A
Laundry, Clothes Cleaning, Pressing Business	A	A	A	CC	A
Laundry, Industrial	P	P	CC	P	CC
Laundry, Self-Service	A	A	A	CC	A
Mausoleum	A	A	A	CC	A
Mortuary	CC	A	A	CC	A
Motel & Hotel	CC	A	A	CC	A
Newspaper & Printing Establishment	CC	A	A	CC	A
Offices 1,000 sq. ft or Less in One Building	A	A	A	A	A
Offices Larger than 1,000 sq. ft.	A	A	A	CC	A
Parking Lot					
Commercial	CC	A	A	CC	CC
Off-Site Accessory	CC	A	A	A	CC
Parking Garage/Structure	CC	A	A	CC	A
Parks & Plaza	A	A	A	A	A
Planned Development	CC	CC	CC	CC	CC
Printing, Lithography, Publishing & Associated Reproductions, exclusive of Paper Manufacturing	CC	A	A	CC	A
Radio & Television Stations (Except exterior communication facilities in C-5 Districts)	CC	A	A	CC	A
Recreation					
Commercial - Indoor: Bowling Alley, Skating Rink, Arcade, Arena, Archery	CC	A	A	CC	A
Commercial - Outdoor: Amusement Park, Ball Park (baseball, football, soccer, Water Park, Batting Cages, Go-Cart, Track)	P	P	CC	P	CC
Recreational Vehicle Park	CC	CC	CC	CC	P
Residential					
Single Family & Duplex Dwellings	AA***	AA***	AA***	CC	CC
Manufactured Home					

- enhanced manufactured home	CC	P	P	CC	P
- stock manufactured home	P	P	P	P	P
Manufactured Home Community	CC	P	P	CC	P
Mobile Home	P	P	P	P	P
Rehabilitated Mobile Home	P	P	P	P	P
Multiple Family Dwellings	CC ***	CC ***	CC ***	CC	A
Boarding & Rooming House	AA	CC	CC	CC	A
Halfway House	CC	CC	CC	CC	CC
Home for the Physically or Mentally Handicapped	AA	AA	AA	AA	AA
Residential Uses for Owner or Caretaker	AA	AA	AA	CC	AA
Shelter Homes	CC	CC	CC	CC	A
Retail Uses					
Neighborhood and Convenience Commercial Centers, 70,000 square feet or less **	A	A	A	CC	A
Neighborhood Commercial Shopping Center, greater than 70,000 square feet **	CC	A	A	CC	CC
Community Commercial Shopping Center **	P	A	A	CC	CC
Regional Shopping Center	P	CC	CC	CC	CC
Personal Service: Barber Shop, Massage Parlor, Beauty Salon	A	A	A	CC	A
Photography Studio	A	A	A	CC	A
Retail Store					
Retail Store - Greater than 60,000 square feet GFA	P	A	A	CC	A
Retail Store - Less than or equal to 60,000 square feet GFA	A	A	A	CC	A
Theater (Excluding Drive-Ins)	CC	A	A	CC	A
Restaurant	A	A	A	CC	A
Sales					
Building Materials, Hay, Grain, Bulk Garden Supply, Heavy Machinery	P	CC	A	CC	CC
Seed & Garden Supply	CC	A	A	CC	CC
Schools					

Public, Private or Parochial	CC	CC	CC	CC	A
Private Commercial	A	A	A	CC	A
Vocational, Trade, Industrial	P	CC	CC	CC	A
Sexually Oriented Business	P	P	P	P	P
Social Care Facilities					
Missions	P	CC	A	CC	CC
Food Kitchens	P	CC	A	CC	CC
Single Resident Occupancy Hotels	CC	CC	CC	CC	CC
Storage					
Self Service	P	CC	A	CC	CC
Outdoor, excluding flammable, corrosive, or hazardous substances	P	CC	A	CC	P
Warehouse	P	P	A	P	CC
Tavern/Lounge/Brew Pub	CC	A	CC	CC	A
Transit/Trucking Terminal	P	P	A	P	P
Truck Stop	P	CC	A	CC	P
Utility Facility - Major	CC	CC	CC	CC	CC
Utility Facility - Minor	A	A	A	CC	AA
Wholesale Business	P	P	A	P	CC

KEY: A - Uses are allowed.
 AA - Uses are allowed but require administrative review of approval criteria.
 CC - Uses require conditional use approval by the Commission.
 P - Uses are prohibited.

* In the C-1 District, a 200' setback from any residential use or zone is required for the drive-through window or lane where the primary use of the window is food service. The 200' setback shall be measured from any part of the window or drive-through lane to the nearest lot or parcel used or zoned residentially.

** The size restrictions apply to all buildings housing non-residential uses on a parcel or multiple parcels under single ownership and control. Groupings and shopping centers as described herein exceeding 100,000 square feet gross floor area are prohibited in the C-1 district. On sites greater than 6.5 acres and zoned C-1, or approved as C-1 as of the effective date of this ordinance, groupings of non-residential buildings are limited to a floor area ratio (FAR) of .35. Any grouping exceeding 70,000 square feet requires conditional use approval.

*** Subject to Section 11-04-04.03, Standards for Residential Development of Original Lots of Record in the R-1A, R-1B, R-1C, R-2, R-3, A, C-1, C-2 and C-3 zones.

11-04-06.10 Dimensional Standards

Table 4a and 4b sets forth the requirements for the Neighborhood Commercial (C-1), General Commercial (C-2), Service Commercial (C-3), Planned Commercial (C-4) and the Central Business (C-5) districts. Within the C-4 district a minimum of one acre is required (a minimum of 3 acres is recommended) for a planned development application. For Substandard Original Lots of Record standards see Section 11-04-14.

TABLE 4A COMMERCIAL (C-1, C-2, C-3, C-4 & C-5) DISTRICTS Dimensional Requirements					
REQUIREMENT	C-1	C-2	C-3	C-4	C-5
Minimum Lot Area (Square Feet)					
Interior Lots - Office/Commercial Uses	-0-	-0-	-0-	25,000	None
Interior Lots - Residential Uses	5,000	5,000	5,000	25,000	None
Corner Lots - Office/Commercial Uses	-0-	-0-	-0-	25,000	None
Corner Lots - Residential Uses	7,000	7,000	7,000	25,000	None
Minimum Average Lot Width					
Interior Lots - Office/Commercial Uses	-0-	-0-	-0-	60'	None
Interior Lots - Residential Uses	50'	50'	50'	50'	None
Corner Lots - Office/Commercial	-0-	-0-	-0-	70'	None
Corner Lots - Residential Uses	70'	70'	70'	70'	None
Minimum Street Frontage					
Office/Commercial Uses	30'	30'	30'	30'	30'
Residential Uses	30'	30'	30'	30'	30'
Maximum Building Height	35'	45'	45'	45'	N/A
Maximum Floor Area Ratio					
Office/Commercial Uses	-0-	-0-	-0-	-0-	4.0
Residential Uses	1.5	1.5	1.5	1.5	N/A
Minimum Lot Area Per Unit (In Sq. Ft.)	1,000	1,000	1,000	1,000	N/A

NOTE: Lot dimensional requirements, density limitations and height limits in the C-4 District

shall be established by the Planning and Zoning Commission under the terms of the conditional use approval.

Gateway Setback: Within all the commercial "C" zones the setbacks for parking spaces, parking areas, and service drives shall be a minimum of twenty feet (20') for those property fronting a gateway street. Gateway streets are identified as:

1. Capitol Boulevard
2. Vista Avenue, from I-84 to Capitol Boulevard
3. Broadway Avenue, from I-84 to Warm Springs Avenue
4. State Street, from the State Capitol to State Highway 55
5. Myrtle Street
6. Front Street
7. Federal Way, from Capitol Boulevard to Bergeson Street
8. Warm Springs Avenue
9. Park Center Boulevard

TABLE 4B
SETBACKS FOR STRUCTURES AND PARKING (C-1 thru C-5)

NOTE: Within all the commercial "C" zones, any property which fronts onto a "gateway street" shall have a minimum twenty feet (20') setbacks for all parking spaces, parking areas, and service drives.

C-1, C-2, C-3	BUILDING SETBACKS			PARKING LOT AND SERVICE DRIVE SETBACKS
	Standard	Rear or Side Yard Abutting a Residential Use or District	Standard	Abutting or Across the Street from a Residential Use or District
Front/Side Adj. to Street	20'	N.A.	7'*	20'
Interior side & rear yards 1 story	0'	10'	5'	10'
2 story	0'	15'	5'	10'
>2 story	0'	15'	5'	10'
Yards adjacent to the Interstate or Connector**	20'	NA	10'	NA
* Setback shall be 20 feet when property has street frontage on a gateway street as listed in section 11-11-07 (General Sign Provisions) of this ordinance				

** Note: For the portion of right-of-way from 13th Street on the east side to Milepost 3.620 (Garden City off-ramp) on the west side the setbacks shall be 20 feet for building and 10 feet for parking.

C-4: Through the conditional use process, the C-4 setbacks may be modified by the Planning and Zoning Commission without a variance review. Requests to vary perimeter setbacks, however, shall be regulated as set forth in section 11-6-11.	BUILDING SETBACKS		PARKING LOT AND SERVICE DRIVE SETBACKS	
	Standard	Rear or Side Yard Abutting a Residential Use or District	Standard	Abutting or Across the Street from a Residential Use or District
	Front/Side Adj. to Street	20'	N.A.	20'
	Interior side & rear yards	5'	10'	10'
	1 story			
	2 story	10'	15'	15'
	>2 story	15'	15'	15'
Yards adjacent to the Interstate or Connector	20'	NA	20'	NA
C-5	BUILDING SETBACKS		PARKING LOT AND SERVICE DRIVE SETBACKS	
	Standard	Rear or Side Yard Abutting a Residential Use or District	Standard	Abutting or Across the Street from a Residential Use or District
	Front/Side Adj. to Street	0'	N.A.	7' *see note below
	Interior side & rear yards	0'	5'	5'
	1 story			
	2 story	0'	10'	5'
	>2 story	0'	15'	5'
Yards adjacent to the Interstate or Connector**	0'	NA	10'	NA
* Setback shall be 20 feet when property has street frontage on a gateway street as listed in section 11-11-07 (General Sign Provisions) and Section 11-04-06.11 of this ordinance				

** Note: For the portion of right-of-way from 13th Street on the east side to Milepost 3.620 (Garden City off-ramp) on the west side the setbacks shall be 20 feet for building and 10 feet for parking.

11-04-06.11 Conditions of Use, Commercial Districts

A. The following provisions and standards apply to all C-1 districts:

1. All uses permitted and all servicing, fabricating, processing, repair or storage uses accessory thereto, shall be conducted entirely within enclosed buildings, except the following: Automobile service station, automobile sales lot, parking lot, required loading and parking space, drive-in bank service, signs and landscaping.
2. No use shall be permitted as accessory to a listed use which involves or requires the production of goods not clearly intended for retail sale or use on the premises.
3. Shopping center site design shall provide for pedestrian access between building entrances and adjacent residential uses unless said access is blocked by existing walls, fences, or the configuration of existing residential lots, or where said access creates a nuisance or significantly compromises public safety.
4. Site design shall include pedestrian paths or crosswalks between buildings on the site. Where applicable, pad buildings shall be linked to anchor buildings with functional pathways of a size to accommodate landscaping, characteristics of the principal use of the site, and car bumper overhang.
5. Site design shall include pedestrian paths or crosswalks, or a combination thereof, linking one or more building entrances to the street or streets.
6. Landscaping adjacent to buildings, parking areas, and sidewalks shall provide for adequate visual surveillance and safety of pedestrian access ways.
7. Front and street side building setbacks may be reduced to 10 feet, and 15 feet on *Gateway Streets*, provided that:
 - a. The building entrance is at the front of the building and faces the street. That is, the wall plane on which the entrance is located must be within a 45 degree angle of the front property line; and
 - b. More than one half of the wall nearest to and facing the street contains windows, the bottom sills of which are located no more than 4 feet above finished grade and the top sills are at or above the door head; and
 - c. The reduced setback complies with findings D and E of Section 11-06-04.13.

B. No use shall be permitted within any commercial district, the nature or manner of which shall be determined by the Planning Director to be unduly hazardous or injurious to other properties in the vicinity or to the general public welfare by reason of the emission of

odor, dust, smoke, noise, vibration, electrical or other disturbance. The determination of the Planning Director shall be in the form of findings of fact and conclusions of law.

- C. Off-Street Parking & Loading Facilities: Off-street parking and loading facilities shall be provided as required in Section 11-10-1.
- D. Sign Provisions: Signs shall be permitted in accordance with the provisions of the Boise City Sign Ordinance.

11-04-06.12 Additional Development Standards for the C-5 Zone

- A. The provisions regulating Design Review combining "D"; Downtown Design Review Combining "DD" and Historic Design Review Combining "HD" Districts as regulated by Section 11-04-10.1 of the Boise City Code and shown on the zoning maps pursuant to Chapter 7 of the Boise City Code shall apply with the C-5 Central Business Zoning District.
- B. All warehouse, storage, transportation, repair, manufacture and similar uses or related activities shall be conducted within a completely enclosed structure.
- C. Residential Uses are not permitted on the ground floor of structures located in the C-5 (Central Business) District.
- D. The exterior vertical surface of a building shall be designed to minimize environmental impacts such as glare, reflected heat, and wind. High quality non-reflective architectural materials such as stone, tile, and brick are particularly encouraged.
- E. Repealed
- F. Setbacks and design standards for ground level, off-street parking and loading shall be in accordance to Section 11-10 of the Boise City Zoning Code.
- G. Ground Floor Retail Design Required: The ground floor of new buildings is required to be designed to accommodate pedestrian friendly elements. The design should be able to accommodate a variety of potential uses that may or may not be contemplated at the time of construction and include but not be limited to: specialty retail, grocery, drug store, shoe repair, dry cleaning, florist shop, department store, hardware store, other personal services, restaurant or theater, financial services or child care facilities.

Design Criteria:

- 1. Shall be designed so that at least seventy percent (70%) of the building's ground level, street facing facade(s) is constructed to abut and be oriented to a public sidewalk or plaza.
 - 2. Shall be visually and physically accessible to the pedestrian at the sidewalk or plaza level.
- H. Sidewalk Improvements Required: A continuous public walkway, located between the face of building and adjacent street or a street vacated for vehicular use, is required to provide for an improved pedestrian experience.

Design Criteria:

1. Size: The minimum width for clear pedestrian movement shall be 7.5 feet. The overall width shall be at least 13.5 feet.
2. Pattern: Location of pedestrian zone, and amenities zone, shall be consistent with adjacent blocks. The paving pattern and the placement of trees and pedestrian amenities shall be unobstructed and consistent with adopted Boise City standards.
3. Surface Treatment: Shall be skid resistant, free of surface obstruction, and of a smooth gradient. The cross slope shall freely drain and not exceed 4% gradient. Materials shall comply with adopted City standards.
4. Street Trees: Trees shall be consistent with adjacent tree species and comply with Boise City standards. Trees shall be 2.5 to 3 inch caliper, symmetrical, and shall provide no physical or visual obstructions. Spacing shall be of a consistent pattern, with a minimum of twenty-one feet (21'), and a maximum of forty feet (40') between trees.
5. Pedestrian Amenities: May include benches, bollards, news stands, kiosks, tree grates, bicycle racks, planters and trash receptacles. Elements shall be constructed of durable materials; of adequate quantity to meet the intended level of use; compatible with the design of the space; and, conform to adopted Boise City standards.
6. Pedestrian Lighting: Shall be a minimum of 12 feet and a maximum of 16 feet in height, replace mid-block high mast lighting, and be normally spaced at 60 feet apart. Poles, fixtures and luminaries shall be consistent with adopted Boise City standards.

I. Buildings within the C-5 zone may exceed the maximum floor area ratio stated in Table 4.2 for providing one (1) or more of the amenities listed in subsection N, are provided. The appropriate Design Review Committee may approve FAR bonuses, up to the maximum allowable, for amenities provided based on plans and information furnished during the review process.

J. Selection of amenities shall be subject to approval by the appropriate Design Review authority to ensure conformance with adopted design districts for the Downtown Policy Planning Area.

K. Amenities provided shall comply with required minimum design standards in order to be eligible for a FAR bonus.

L. A FAR bonus shall be awarded for an amenity feature if it satisfies definition criteria and if the elements of the amenity substantially comply with all adopted design districts and listed design criteria. A maximum FAR bonus may be awarded only for a listed amenity meeting all minimum requirements and it is demonstrated that through superior design, layout, use of materials and combination of elements that the amenity's use or enjoyment or both by the public will be maximized.

M. Permitted FAR bonuses may be used on-site for an allowed or permitted use subject to receiving required City approvals for the use(s) and meeting requirements for on-site parking.

N. One or more of the following amenities shall be furnished at the developer's expense in order to receive a floor area ratio above the maximums stated.

1. Landscape Feature: A contiguous open space located at or near grade, the purpose of which is to serve as a pleasing visual element on the site. Landscaped areas shall be in addition to other landscaped areas required by ordinance, and may not be used for parking or storage. The minimum cumulative area shall be 200 square feet, or 10% of the site, whichever is greater. The minimum width shall be 5 feet or 10 feet if trees are utilized.

FAR Bonus: 5:1 Maximum. Measured as gross square footage of permitted development for each qualifying square foot of area.

Design Criteria:

- a. Environmental Suitability: Plants shall be urban tolerant, climatically suited, and given correct solar orientation.
 - b. Visual Accessibility: The area shall be visible to adjacent vehicular and pedestrian traffic in the public right-of-way.
 - c. Aesthetics & Compatibility: The area shall be compatible with its context, attractive, and well composed.
 - d. Amenities: Elements may include night lighting, water, art, historic artifacts, provision for seating.
2. Plaza: A continuous public open space containing a minimum of 500 square feet and 20 feet wide in any direction. A plaza space shall be predominantly open above; designed for pedestrian use and not for vehicular access or parking.

FAR Bonus: 12:1 maximum, measured as gross square footage of permitted development for each qualifying square foot of area.

Design Criteria:

- a. Environmental Considerations: Plaza shall be located on the site to minimize vehicular noise and prevailing winds. Solar protection shall occur from orientation or adequate tree canopy.
- b. Accessibility (Physical & Visual): Plaza shall be visible to pedestrians. A maximum of 3 feet vertical change to the adjacent street gradient permitted. Handicapped standards shall be met.
- c. Compatibility (Location & Materials): Materials shall reflect those used on-site for the primary structure. Plaza layout shall be compatible with surrounding uses.
- d. Aesthetics: The space shall be well proportioned, inviting, and compatible with its immediate context.
- e. Landscaping: At least 5%, but not more than 30%, of the area shall be landscaped. Selected plantings shall be urban tolerant. Trees shall be at least 2

inch, but not more than 3.5 inch caliper size at time of planting, and shall provide solar protection at seating areas. Seasonal flower plantings shall be incorporated.

- f. Surface Treatment: Paving shall be provided. It must be compatible and complimentary to surrounding uses.
 - g. Seating: A minimum of 2 linear feet of seating area shall be provided for each 100 square feet of plaza area.
 - h. Site Amenities: Shall include trash receptacles, security lighting, seating areas, tables, tree grates, bollards, shelter structures and kiosks. Elements shall be constructed of durable materials; be of adequate quantity to meet the intended level of use, and be compatible with the design of the plaza space.
 - i. Special Features: Shall be included if appropriate to the design of the space. Includes: water, fountain, art, historic artifacts, etc.
3. Residential Development: Residential units for sale or lease located within a structure that are developed as an integral part of a building or building complex.

FAR Bonus: 4:1 maximum, measured as gross square footage of development area for each qualifying square foot of residential development area.

Design Criteria:

- a. Below-grade residential units shall not be included in the square footage calculations for bonus floor area.
 - b. Hotel or Motel units shall not be included in the square footage calculations for bonus floor area.
 - c. Common hallway areas shall not be included in square footage calculations for bonus floor area unless the entire floor is exclusively comprised of residential units.
4. Parking Structure: A parking facility located within a structure which is developed as an integral part of a building or building complex.

FAR Bonus: 4:1 maximum, measured as gross square footage of development area for each qualifying square foot of parking structure located below grade; one (1) square foot for each qualifying square foot of parking structure located at or above grade (1:1 maximum).

Design Criteria:

- a. Below-ground parking structures shall be covered by a structure or developed open space, accessible to the public.
- b. Parking shall be enclosed so vehicles are not visible from adjacent public rights-of-way or pedestrian walkways.

- c. The exterior surface of the parking structure (if above grade) must be the same materials used on the principal building.
- d. Parking maneuvering areas may be included in the square footage calculations for bonus floor area.

11-04-06.13 Development Application Requirements and Standards for Land Zoned C-5 But Not Contiguous to the C-5 District

Land that is not contiguous to existing C-5 zoning may be classified C-5 for the purpose of encouraging the development of urban housing in downtown Boise urban renewal districts. Land being considered for C-5 zoning under this section shall be subject to the following requirements and standards.

- A. The parcel(s) is located in either the Central Downtown, River Myrtle-Old Boise, or Westside Downtown urban renewal district.
- B. The parcel(s) is in an area of the urban renewal district in which the proposed use(s) is supported by the applicable urban renewal plan and the Boise City Comprehensive Plan;
- C. Applications to reclassify zoning districts subject to this section shall be accompanied by a development agreement and development plans. Standards for compatibility, land uses, height, bulk, setbacks, and other elements shall be as directed by the applicable urban renewal plan and shall be incorporated into the development agreement.
- D. Uses shall be subject to the standards of Section 11-04-06.12 with the following exceptions:
 - 1. Residential uses shall be permitted on the ground floor (11-04-06.12C).
 - 2. The design of the ground floor shall incorporate pedestrian-friendly elements but design is not limited to that which will accommodate the retail and other uses listed in Section 11-04-06.12G.
 - 3. Floor area ratio bonus provision in Section 11-04-06.12I-N shall not apply.

(6461, Amended, 04/04/2006; 6407, Amended, 07/26/2005; 6386, Amended, 02/22/2005; 6353, Amended, 10/12/2004; 6315, Amended, 04/20/2004; 6183, Amended, 10/01/2002; 6155, Amended, 05/28/2002; 6071, Amended, 06/19/2001; 6048, Amended, 04/10/2001; 6007, Amended, 07/25/2000; 5919, Amended, 06/22/1999; 5894, Amended, 02/09/1999; 5821, Amended, 10/28/1997; 5777, Amended, 01/28/1997; 5301, Repealed & Replaced, 04/02/1991; 5301, Added, 04/02/1991; 5233, Amended, 05/08/1990)

Section 11-04-07 REGULATIONS FOR THE HEALTH SERVICE (H-S) DISTRICT

Section 11-04-07.01 Purpose

It is the purpose of the H-S District to provide for health, medical and related uses at the major medical institutions of the city and in the area surrounding such institutions. Uses which provide support services to the health and medical uses are also permitted. Such support services would have similar low intensity land use characteristics to limited office and multi-family residential uses.

(5777, Amended, 01/28/1997)

Section 11-04-07.02 Use Standards

Table 5 sets forth the requirements for specific uses in the H-S district. Any use not listed on Table 5 shall be determined by the Planning Director whether it is similar in nature to uses which are listed. Otherwise, uses not listed in Table 5 are prohibited. The regulations set forth in Table 5 shall apply, in addition to the general regulations of this ordinance, to all land, buildings and structures located in the H-S district.

TABLE 5 HEALTH SERVICE DISTRICT (H-S) Allowed, Conditional and Prohibited Uses	
<u>USE</u>	<u>DISTRICT</u>
Adult Day Care	AA
Bank, Financial Institution, excluding Drive-Up Windows	CC
Bed & Breakfast Facility	CC
Child Care Facilities	
Family Child Care (1-6 children)	A
Group Child Care In-Home (7-12 children)	AA
Group Child Care Center (7-12 children)	CC
Child Care Center	
Intermediate Child Care Center (13-20 children)	CC
Large Child Care Center (21+ children)	CC
Church	CC
Composting Facility	P
Construction Office, Temporary	A
Drive-Up Windows, Health Related Service	CC
Dwellings	
Accessory Uses to Allowed Dwellings	A
Detached Single Family Dwelling one per 1 Lot	A
Duplex, One per Lot	A
Manufactured Home	
- enhanced manufactured home	A
- stock manufactured home	P
Manufactured Home Community	CC

Mobile Home	P
Rehabilitated Mobile Home	P
Elderly Housing	CC
Home for the Physically or Mentally Handicapped	AA
Multi-Family Dwellings (subject to Section 11-02-06)	
- 3 to 20 dwelling units per acre in 1 building	A
- More than 20 dwelling units per acre	CC
- 2 or more multi-family buildings per lot	CC
- High-rise	CC
Firing Range	
Indoor	P
Outdoor	P
Government Building of a Non-Industrial Character	CC
Health Care Facilities	
Convalescent or Nursing Home	A
Hospital or Sanitarium	A
Out-Patient Services	A
Health Club	CC
Home Occupation	A
Laboratory, Non-Accessory	CC
Mortuary	CC
Motel/Hotel	CC
Offices (Dental or Medical)	A
Parking	
Off-Site Accessory	A
Parking Garage	CC
Recreation Vehicle, Short Term	CC
Planned Development	CC
Restaurant, excluding Drive-Up Windows	CC
School	CC

Social Center	CC
Swimming Pool, Commercial	CC

(Amended by Ord. 5233, 5-8-90; Ord. 5337, 8-27-91)

KEY: **A** - *Uses are allowed.*
 AA - *Uses are allowed but require administrative review of approval criteria.*
 CC - *Uses require commission level conditional use approval.*
 P - *Uses are prohibited.*

(6315, Amended, 04/20/2004; Ord. 5894, Amended, 02/24/1999; 5777, Amended, 01/28/1997)

Section 11-04-07.03 Dimensional Standards

Table 6 sets forth the dimensional and area requirements for the H-S district.

TABLE 6 H-S DISTRICT Dimensional Requirements	
<u>REQUIREMENTS</u>	<u>H-S DISTRICT</u>
Minimum Lot Area (Square Feet)	
- Interior Lots	6,000
- Corner Lots	7,000
Minimum Avert Lot Width	
- Interior Lots	60'
- Corner Lots	70'
Minimum Street Frontage	30'
Maximum Building Height	78'
Maximum Residential Density	43.5 dwelling units/acre

TABLE 6B H-S DISTRICT SETBACKS FOR STRUCTURES AND PARKING				
<u>H-S</u>	<u>BUILDING SETBACKS</u>		<u>PARKING LOT AND SERVICE DRIVE SETBACKS</u>	
	<u>Standard</u>	<u>Abutting a Residential Use or District</u>	<u>Standard</u>	<u>Abutting or Across the Street from a Residential Use or District</u>

Front or Side Yards Adjacent to Street	20'	20'	20'	20'
Interior side & rear yards				
1 story	5'	5'	5'	5'
2 story	10'	10'	5'	5'
> 2 story	15'	15'	5'	5'
Yards adjacent to the Interstate or Connector	20'	NA	10'	NA

(6386, Amended, 02/22/2005; Ord. 5919, Amended, 07/28/1999; 5777, Amended, 01/28/1997)

Section 11-04-08 REGULATIONS FOR INDUSTRIAL DISTRICT (M-1, M-2, M-4, T-1 & T-2)

Certain districts designated by the symbols M-1, M-2, M-4 and T-1 are hereby established to preserve and enhance property values by providing suitable areas for industrial activities.

(5821, Amended, 10/28/1997; 5777, Amended, 01/28/1997)

Section 11-04-08.01 Purpose of Industrial District M-1

The M-1 District is established to provide for and encourage the grouping together of light industrial uses capable of being operated under such standards that they will be unobtrusive and will not be detrimental to surrounding commercial or residential uses. Areas set aside as M-1 may be classified as such in conformity with the Comprehensive Plan, and where it is found that in the public interest there is a need for industrial activities substantially free from residential or retail commercial activities with the subsequent finding that industrial uses are the highest and best use for the land involved.

(6315, Amended, 04/20/2004; 5777, Amended, 01/28/1997; 5233, Amended, 05/08/1990)

Section 11-04-08.02 Purpose of Industrial District M-2

The M-2 District is established to provide for the location of all industrial activity compatible with plans for the development of the City including those uses listed as permitted in the M-1 Districts and, in addition, certain other industrial uses which, for reasons of health, safety or general welfare are excluded from the M-1 District. No use intended to be included, which by reason of its location with respect to the boundaries of the district or by reason of its operational characteristics, would create hazardous conditions. Areas set aside as M-2 may be classified as such in conformity with the Comprehensive General Plan and where it is found that in the public interest there is a need for industrial activities substantially free from residential or retail commercial activities with the subsequent finding that industrial uses are the highest and best use for the land involved. The regulations set forth in this Section shall apply in addition to the general regulations of this Ordinance to all land, buildings and structures located in any M-2 District.

(5777, Amended, 01/28/1997)

Section 11-04-08.03 Purpose of Planned Industrial District M-4

The Planned Industrial or M-4 District is established to promote imaginative, innovative and comprehensively planned industrial developments which are designed to compliment the surrounding community and service delivery systems. The highest standards of architecture, landscaping and site planning are encouraged to accomplish this purpose.

All uses within the M-4 planned industrial zone shall require approval of a conditional use application by the Planning and Zoning Commission. Planned unit developments are encouraged in the M-4 zone to promote integrated site planning and to minimize access points. Lands may be classified M-4 in accordance with the Comprehensive Plan.

(5777, Amended, 01/28/1997)

Section 11-04-08.04 Purpose of Industrial District T-1

The T-1 District is established to provide lands for and encourage the development of well-planned and designed technological-industrial parks which would accommodate certain light industrial, technological, professional offices and other similar activities. Because of the type of operation and high development standards employed, these parks may be adjacent to residential districts, provided that they are located on arterial streets and shall not be materially detrimental to the health, safety and welfare of such residential districts. This zone is intended to accommodate certain light industrial, technological, professional offices and other similar activities.

(5777, Amended, 01/28/1997)

Section 11-04-08.05 Purpose of Industrial District T-2

Purpose: The T-2 (Technological-Manufacturing Park) Zoning District is established to provide sites for and encourage the development of manufacturing and technological facilities that potentially have a greater impact on the surrounding area than industries found within the T-1 District. To mitigate the potential of negative impacts on adjacent development, a concept map differentiating "peripheral" and "internal" development areas is required as part of the rezoning application. Areas designated and approved as "peripheral" by the Mayor and City Council shall be subject to the design review process outlined in Section 11-02-05.4 and Sections 11-07-03 - 11-07-04 inclusive, unless stated otherwise in the Subsections below. Because these developments are usually large enough to create an inner character compatible with surrounding uses, areas designated and approved as "internal" by the Mayor and City Council shall be exempt from the design review process, unless otherwise required by this Section. The T-2 District shall generally be located where directly served by major transportation facilities and where buffered from adjacent residential areas through the use of transitional zoning, berming, walls, landscaping and/or other mechanisms.

(5842, Amended, 04/07/1998)

Section 11-04-08.06 Industrial Districts Use Standards

Table 7 sets forth the requirements for specific uses in the Industrial Districts (M-1, M-2, M-4, T-1 and T-2).

TABLE 7
INDUSTRIAL DISTRICTS (M-1, M-2, M-4, T-1 & T-2)
Allowed, Conditional and Prohibited Uses

<u>USE</u>	<u>M-1</u>	<u>M-2</u>	<u>M-4</u>	<u>T-1</u>	<u>T-2</u>
Uses Accessory to Allowed Uses**	A	A	CC	A	A
Aircraft Landing Field	CC	CC	CC	P	P
Animal Hospital & Boarding Kennel	A	A	CC	P	P
Asphalt or Concrete Ready-Mix Plant	CC	A	CC	P	CC
Auction Establishment	A	A	CC	P	P
Automotive Uses					
Automobile Service Station	A	A	CC	P	A
Battery Rebuilding Shop	CC	A	CC	P	A
Junk Yard & Auto Wrecking Yard	CC	CC	CC	P	CC
Motor Vehicle Repair; Major & Minor	A	A	CC	P	A
Sale or Rental Lot for Automobiles, Trailers & Heavy Machinery	A	A	CC	P	A
Bikini Bar*	AA	AA	AA	P	P
Blacksmith Shop	A	A	CC	P	P
Bottling & Distribution Plant	A	A	CC	P	A
Carwash	A	A	CC	CC	CC
Composing Facility	CC	CC	CC	CC	CC
Contractor Shop & Yard; Solid Fuel & Lumber	A	A	CC	P	A
Grain Elevator	CC	A	CC	P	P
Golf Course	CC	CC	CC	CC	CC
Golf Driving Range	CC	CC	CC	CC	CC
Hog Raising, Stock yard or Feedlot	P	CC	CC	P	P
Laundry, Industrial	A	A	CC	P	A
Lumbermill, Sawmill, Pulpmill	P	CC	CC	P	P
<u>MANUFACTURING</u>					
Architectural, Drafting & Artist supplies	A	A	CC	A	A
Atmospheric Gas Production Plat for the Production of Gases Derived from the Atmosphere (i.e. N2O2 Argon...)	P	A	CC	CC	A
Brewer, Distillery, Winery	A	A	CC	CC	P
Ceramics & Similar Products	A	A	CC	CC	A

Construction Components: bricks, concrete blocks, windows, etc.	A	A	CC	P	CC
Costume Jewelry, Novelties, Buttons, Toys & Miscellaneous Clothing, Accessories & Notions	A	A	CC	A	A
Semiconductors, Electronic Products & Components including Radio, Television & other Communications Equipment, Computer & Data Systems Equipment	A	A	CC	A	A
Food Product Additives such as Leavenings, Flavoring Extracts and Preservatives	A	A	CC	A	CC
Food Products, Dairy Products & wholesale Bakeries	A	A	CC	P	P
Gas Fired Power Plant	P	CC	P	P	CC
Gas Production Plant	P	CC	CC	P	CC
Optical, Photographic, Engineering & Similar Precision Instruments	A	A	CC	A	A
Pharmaceuticals, Cosmetics, orthopedic and prosthetic devises, medical & Dental Supplies	A	A	CC	A	A
Signs & other Metal Working	A	A	CC	P	A
Wigs, Hair Products, Toiletries and Barbering Supplies	A	A	CC	A	A
Medical & Dental Laboratories & Research Facilities	P	P	CC	A	A
Motor Vehicle Repair, Major & Minor	A	A	CC	P	A
Offices, Medical and Professional	CC	CC	CC	A	A
Planned Development, Non-Residential	CC	CC	CC	CC	CC
Printing, Lithography, Publishing & Associated Reproduction, Exclusive of Paper Manufacturing	A	A	CC	A	A
Radio or TV Station & Broadcasting Facilities Subject to the Height Limits of the Zone	A	A	CC	CC	A
Residential Uses for Owner/Caretaker	A	A	CC	A	A
Retail Sales & Service as Accessory Use to an Allowed Use**	A	A	CC	A	A
Rock Crushing & Extractive Uses	CC	CC	CC	P	P
Sale of Building Materials, Hay, Grain & Bulk Garden Supplies	A	A	CC	P	P
Sale or Rental Lot for Automobiles, Trailers & Heavy Machinery	A	A	CC	P	P
Sanitary Landfill, Incineration	P	CC	CC	P	A

Schools, Vocational-Technical and Trade Schools	CC	CC	CC	CC	CC
Sexually Oriented Business	CC	CC	CC	P	P
Slaughterhouse, Animal Rendering Plant	P	CC	CC	P	P
<u>STORAGE</u>					
Accessory Outdoor Storage of Nonflammable, Noncorrosive or noncombustible Materials Screened from View and Related to the Principal Use	A	A	CC	CC	A
Accessory bulk Storage of Corrosive Acid or Alkali, Fireworks, or other Explosive Materials	P	A	CC	P	A
Nonaccessory Bulk Storage of Corrosive Acid or Alkali Fireworks, or other Explosive Materials	P	CC	CC	P	P
Bulk Storage of Flammable Liquids or Gases	P	CC	CC	P	P
Bulk Storage of Flammable Liquids or Gases Necessary to the Processes on the Premises, Provided that Proper Precautions are being Taken to Assure that such Facilities are Designed in a Manner which will be Aesthetically Pleasing to View and such Storage meets all Boise City Code Fire Requirements	A	A	A	A	A
Nonaccessory Outdoor Storage of Nonflammable, Non corrosive or Noncombustible Materials Screened from View	CC	CC	CC	P	P
Storage Building, Wholesale Business, Self-Service Storage	A	A	CC	CC	A
Tannery	CC	CC	CC	P	P
Tavern or Lounge (Excluding Sexually Oriented Business)	A	A	A	P	CC
Transit or Tucking Terminal	A	A	CC	P	CC
Utility Shop or Storage Facility	CC	A	CC	CC	A

* Subject to staff level review and approval of distance and spacing standards in Section 11-06-06.07.

** Accessory uses shall not exceed 25 percent of gross floor area.

KEY: A - Uses are allowed.

- AA - Uses are allowed but require administrative review of approval criteria.
 CC - Uses Require a Commission Level Conditional Use
 P - Uses are Prohibited

- NOTES: 1. Within the Planned Industrial (M-4) district, all uses require conditional use approval by the Commission.
2. All uses are subject to any overlay district.

(Amended by Ord. 5337, 8-27-91)

(6315, Amended, 04/20/2004; 6120, Amended, 01/29/2002; 6096, Amended, 10/23/2001; 6071, Amended, 06/19/2001; Ord. 5919, Amended, 07/28/1999; 5842, Renumbered, 04/07/1998; 5842, Amended, 04/07/1998; 5777, Amended, 01/28/1997)

Section 11-04-08.07 Industrial Districts Dimensional Requirements

Table 8 shows the dimensional and area standards for the Limited Industrial (M-1), General Industrial (M-2), Planned Industrial (M-4), Technological-Industrial Park (T-1), and the Technological - Manufacturing Park (T-2) districts.

Gateway Setback: Within all the industrial "M" zones the setbacks for parking spaces, parking areas, and service drives shall be a minimum of twenty feet (20') for those property fronting a gateway street. Gateway streets are identified as:

1. Capitol Boulevard
2. Vista Avenue, from I-84 to Capitol Boulevard
3. Broadway Avenue, from I-84 to Warm Springs Avenue
4. State Street, from the State Capitol to State Highway 55
5. Myrtle Street
6. Front Street
7. Federal Way, from Capitol Boulevard to Bergeson Street
8. Warm Springs Avenue
9. Park Center Boulevard

TABLE 8 INDUSTRIAL DISTRICTS (M-1, M-2, M-4, T-1 & T-2) Dimensional Requirements				
<u>MINIMUM REQUIREMENTS</u>	<u>M-1</u> <u>M-2</u> <u>M-4</u>	<u>T-1</u> <u>1-Story</u>	<u>T-1</u> <u>2-Story</u>	<u>T-2</u>
Minimum Lot Area	-0-	-0-	-0-	-0-
Minimum Street Frontage	30'	30'	30'	30'
Minimum Site Size (Acres)	0.00	20	20	200
Maximum Lot Coverage-Buildings	80%	35%	35%	60%
Maximum Lot Coverage-All others	100%	70%	70%	80%

Maximum Building Height (including all antennas and appurtenances)	55'	45'	45'	Controlled by 45 degree angle of bulk plan from all exterior property lines, up to a maximum building height of 150' (1)(2)
(1) Stacked buildings are allowed where a 45 degree angle of bulk plane is maintained. (2) The height of structures may be further restricted by Title XII (Air Terminal Regulations) of the Boise City Municipal Code.				
<u>BUILDING SETBACK STANDARDS</u>				
<u>MINIMUM REQUIREMENTS</u>	<u>M-1</u> <u>M-2</u> <u>M-4</u>	<u>T-1</u> <u>1-Story</u>	<u>T-1</u> <u>2-Story</u>	<u>T-2</u>
Front Yard (including caretaker residence)	20'	60'	75'	45' + 1' for every 1' increase in building height above 45'.
Side Yard	0'	60'	70'	45' + 1' for every 1' increase in building height above 45'.
Street Side Yard	15'	60'	75'	45' + 1' for every 1' increase in building height above 45'.
Rear Yard	0'	60'	70'	45' + 1' for every 1' increase in building height above 45'.
Yard adjacent to the Interstate or Connector	20'	60'	75'	45' + 1' for every 1' increase in building height above 45'.
<u>BUILDING SETBACKS - TRANSITIONAL YARDS</u>				
<u>MINIMUM REQUIREMENTS</u>	<u>M-1</u> <u>M-2</u> <u>M-4</u>	<u>T-1</u> <u>1-Story</u>	<u>T-1</u> <u>2-Story</u>	<u>T-2</u>
Front (when across street from or adjacent to "R" District or Residential Use)	20'	100'	125'	45' + 1' for every 1' increase in building height above 45'.
Street side yard	20'	100'	125'	45' + 1' for every 1' increase in building height

				above 45'.
Side (where side lot line coincides with side or rear lot line in an adjacent "R" district)	15'	100'	125'	45' + 1' for every 1' increase in building height above 45'.
Yard adjacent to the Interstate or Connector	20'	100'	125'	45' + 1' for every 1' increase in building height above 45'.
<u>SERVICE DRIVE AND PARKING LOT SETBACKS - STANDARD</u>				
	<u>M-1</u> <u>M-2</u> <u>M-4</u>		<u>T-1</u>	<u>T-2</u>
Front	7'		20'	20'
Side	0'		15'	15'
Street Side Yard	7'		20'	20'
Rear	0'		15'	15'
Yard adjacent to the Interstate or Connector	10'		20'	20'
<u>SERVICE DRIVE AND PARKING LOT SETBACKS- TRANSITIONAL YARD</u>				
	<u>M-1</u> <u>M-2</u> <u>M-4</u>		<u>T-1</u>	<u>T-2</u>
Front and Side Street: Across the street from a "R" or "A" district or residential use	20'		30'	30'
Interior side and rear: Abutting a "R" or "A" district or residential use	15'		30'	30'
Yards adjacent to the Interstate or Connector	20'		30'	30'

NOTE: In the M-4 zone, the Planning and Zoning Commission may grant more or less restrictive setbacks through the conditional use process.

(6386, Amended, 02/22/2005; 6096, Amended, 10/23/2001; 5842, Renumbered, 04/07/1998; 5842, Amended, 04/07/1998; 5821, Amended, 10/28/1997; 5777, Amended, 01/28/1997)

Section 11-04-08.08 Industrial Districts, General Standards

A. Within any industrial district no use shall be permitted, the nature or manner of

operation of which shall be determined by the Planning Director to be unduly hazardous or injurious to other properties in the vicinity or to the general public welfare by reason of the emission of odor, dust, smoke, noise, vibration, electrical or other disturbance. The regulations set forth in this Section shall apply, in addition to the general regulations of this Ordinance to all land, buildings and structures located in any industrial district. The determination of the Planning Director shall be in the form of findings of fact and conclusions of law.

B. Conditions of Use - T-1 and T-2 Districts: processes and equipment employed and goods processed shall be limited to those which are free of emissions consisting of odor, dust, smoke, cinders, gas, fumes, noise, vibrations, refuse matter, water carried waste or other emissions.

All uses shall have direct access to an arterial street, which may be through the interior street network of the park. In no case shall any access be permitted onto local access streets.

All technological industrial uses shall be designed, constructed, landscaped and operated to be compatible with abutting and surrounding uses as determined by the provisions set forth in Section 11-07-03 through 11-07-04 inclusive, unless stated otherwise in the Subsections below.

C. Off-Street Parking & Loading Facilities: Automobile parking and truck loading facilities shall be provided as required in Chapter ten (10) of this Title.

D. Sign Provisions: Signs shall be permitted in accordance with the provisions of the Boise City Sign Ordinance. (Amended by Ord. 5233, 5-8-90)

E. Processing Procedures and Submittal Requirements for Rezoning to the Technological-Manufacturing Park-(T-2) District. At the time an applicant applies to rezone property to the Technological - Manufacturing Park (T-2) Zoning District, the applicant shall submit the items and information listed in paragraph E.1. of this Section to the Planning and Development Services Department. This list is not exclusive and is in addition to the general information required for all other rezone application reviews.

1. Site Plan at a Scale of 1" = 100' showing:
 - a. All horizontal and vertical dimensions of existing structures. Height measurements shall be made from grade to the highest point of construction.
 - b. Locations, footprints, dimensions and use of existing structures (including public rights-of-way) within 100' feet of the subject property.
 - c. Circulation /Parking - the location and widths of internal driveways, aisles, parking stalls, loading spaces, pedestrian ways, vehicle ingress and egress to site, and sidewalks or other pedestrian walkways.

- d. The location, names, widths and approximate grades of existing highways, streets and alley ways.
 - e. Areas proposed as “peripheral” by the applicant shall be clearly indicated on the site plan or shall be augmented by a clear mylar overlay, of the same scale.
 - f. Areas proposed as “internal” by the applicant shall be clearly indicated on the site plan or shall be augmented by a clear mylar overlay, of the same scale.
2. Approval Criteria. Rezoning to the Technological - Manufacturing Park (T-2) Zoning District will be approved if the review body finds that the applicant has shown that all of the following criteria have been met:
- a. That the rezone request is consistent with the Boise City Comprehensive Plan;
 - b. That the proposed “internal” and “external” boundaries, have been evaluated against the purpose of the T-2 Zone and on balance have been found to be supportive of the zone’s characteristics as stated in subsection 11-04-08.5.
 - c. That the granting of the zone change for the subject property will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; nor be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the subject property; nor jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
 - d. That the subject property fronts on a major highway or arterial street; and
 - e. That the subject property is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as otherwise required to integrate the property with uses in the surrounding area.
3. Where Design Review Applies. The following locations /items are subject to the design review requirements contained in Section 11-02-05.4 and Sections 11-07-03 through 11-07-04 inclusive, unless stated otherwise in the Subsections below.
- a. All areas designated and approved by the Mayor and City Council at the time of rezoning as “Peripheral.”
 - b. All buildings with a height in excess of 45' feet, where located within an area designated and approved as “Internal” by the Mayor and City Council at the time of rezoning. The Planning Director may waive this

requirement where it can be demonstrated that the visual impacts associated with such buildings are mitigated to a level of insignificance due to the proximity of surrounding buildings or structures. In cases of dispute, the Planning and Zoning Commission shall have final decision making authority, unless appealed as per Section 11-03-07.2 of the Boise City Zoning Ordinance.

4. Landscape Master Plan (Optional). The Landscape Master Plan provisions are intended to create a flexible procedure for the utilization of both traditional and alternative landscape materials (xeric, native and hardscape) within the area[s] designated as “peripheral” at the time of rezoning. The Landscape Master Plan shall meet the intent of this Section by providing the Design Review Committee with a clear understanding of the landscaping program in terms of theme, location, size /scale, and function. The Planning Director may waive the requirement for additional detailed landscape plans where future development proposals are found to be in compliance with an approved Landscape Master Plan. In cases of dispute, the Design Review Committee shall have final decision making authority, unless appealed as per Sections 11-03-07.2 and 11-03-07.3 of the Boise City Zoning Ordinance. The Landscape Master Plan shall include both a map (prepared at a scale of 1" = 100' or larger), and a narrative which includes the following information:

- List of Plants - Evergreen & Deciduous (Common and Latin Names);
- Size of Plants (At Time of Planting and Maturity);
- Intensity/ Distribution and Generalized Location of Major Plant Types (Trees, Shrubs and Groundcovers);
- Hardscape Elements (Generalized Location and Type);
- Water Elements (Generalized Location and Type); and
- Type and Generalized Location of Berms, Walls and /Or Fences.

- a. Approval Criteria. In reviewing the Master Landscape Plan, the Design Review Committee shall make the following findings:

1. That the perimeter areas, visible from adjacent public street rights-of-way are landscaped with a mix of deciduous and evergreen vegetation and /or alternative plantings to achieve an attractive landscape.
2. That buildings/building entryways visible from the freeway or public street rights-of-way are enhanced through the use of landscaping.
3. That there are adequate buffers where adjoining properties are zoned for residential land uses; and
4. That parking areas visible from adjacent public rights-of-way are landscaped with a mix of deciduous and evergreen vegetation and /or alternative plantings to achieve an attractive landscape.
5. Building Permits /Certificates of Occupancy. In addition to

compliance with the development standards of the Technological - ManufacturingPark (T-2) Zoning District, all applicants seeking a building permit or certificate of occupancy must document that public services for water supply, transportation system capacity and police and fire protection are capable of supporting the uses allowed by the zone or capable by the time development is complete; and, that the proposed sanitary waste disposal and storm water disposal systems are or will be made acceptable to the Boise City Public Works Department. Additionally, all developments shall comply with Title XII (Air Terminal Regulations) of the Boise City Municipal Code.

(5842, Renumbered, 04/07/1998; 5842, Amended, 04/07/1998; 5777, Amended, 01/28/1997)

Section 11-04-09 REGULATIONS FOR OPEN LAND; A-1 AND A-2 DISTRICTS

(6397, Amended, 06/14/2005)

Section 11-04-09.01 Open Land Districts Established

Districts designated by the symbols "A-1" and "A-2" and referred to as Open Land Districts are established to provide for certain extensive uses of land such as parks, schools, dedicated open spaces, protected environmental sites such as wetlands and riparian areas, hazardous areas such as floodways, steep slopes, landslides, airport approach areas low density residential development and agricultural lands, and to establish standards for such uses.

(6397, Amended, 06/14/2005)

Section 11-04-09.02 Purpose A-1 and A-2 Districts

Section 11-04-09.02.01 Purpose A-1 District

It shall be the purpose of the Open Land or A-1 District classification to provide a zoning district within the City for low density residential use and land uses requiring larger land areas for development such as parks, schools, golf courses, agriculture, rural residential neighborhoods, and other uses in conformity with the Comprehensive Plan. The regulations set forth in this Section shall apply in addition to the general regulations of this Ordinance, to all land, buildings and structures located in any A-1 District.

Section 11-04-09.02.02 Purpose A-2 District

It shall be the purpose of the Open Land A-2 District classification to provide a zoning district within the City for property intended for permanent open space and to properly guide growth of the fringe areas of the City.

The A-2 District classification should be applied to property that is not intended for development, or for property that the City desires to be subject to more development limitations than would be provided by the A-1 District. Lands assigned to an A-2 District classification may be done so in conformity with the Comprehensive Plan, to set aside lands for open space uses, including floodways, riparian areas, steep slopes and flood control facilities; to enhance and preserve the character of parks and other publicly owned properties; agricultural and grazing lands; and, to serve as a low intensity use zone to properly guide growth in fringe areas of the City. The regulations set forth in this Section shall apply in addition to the general regulations of this Ordinance, to all land, buildings and structures located in any A-2 District.

(6397, Amended, 06/14/2005)

Section 11-04-09.03 Use Standards

Table 9 sets forth the requirements for specific uses in the Open Land A-1 and A-2 Districts. The letter designations mean the use is allowed (A), prohibited (P), allowed but requires administrative review of approval criteria (AA), or is a Commission level conditional use (CC).

TABLE 9 OPEN LAND A-1 and A-2 DISTRICTS Allowed, Conditional and Prohibited Uses		
<u>USES</u>	A-1 District	A-2 District
Agriculture Uses & Stables	CC	A
Accessory Structure < 1,000 square feet	A	A
Accessory Structure > 1,000 square feet	A	AA
Accessory Structure > 2,500 square feet	AA	CC
Backyard Composting	A	A
Drive-up Window	P	P
Golf Courses	A	CC*
Golf Driving Range	A	P
Golf Club House or Accessory Building 300' or more from any Dwelling	A	CC
Golf Club House or Accessory Building 300' or less from any Dwelling	CC	CC
Home Occupation	AA	AA
One Detached Single Family Dwelling per Lot	A	A
Home for Physically and/or Mentally Handicapped or Elderly Persons including rehabilitation for persons addicted to drugs and/or alcohol (Plus 2 staff)	A	A
Manufactured Home		
- enhanced manufactured home	A	A
- stock manufactured home	P	P
Manufactured Home Community	CC	P
Mobile Home	P	P
Rehabilitated Mobile Home	P	P
Child Care Facilities		
Family Child Care Home (1-5 children)	A	AA

Group Child Care Home (6-12 children)	AA	CC
Group Child Care – Not in Home (6-12 children)	CC	P
Intermediate Child Care Center (13-20 children)	CC	P
Large Child Care Center (21+ children)	CC	P
Public Park, Forest Reserve or Recreation Area	A	A
Aircraft Landing Field	CC	P
Broadcasting Tower for Radio or Television,	CC	CC
Wireless Communication Facilities: uses governed by Section 11-18		
Cemetery	CC	P
Church	CC	P
Commercial Kennel, Animal Hospital	CC	P
Composting Facility	CC	P
Government Buildings of Non-Industrial Character	CC	CC
Mining, Dredging, Loading & Hauling of Sand, Dirt, Gravel or other Aggregate	CC	CC
Private Amusement Park, Ball Park, Race Track, Recreational Center or Other Similar Establishment	CC	P
Public Building	CC	CC
Public Utility Installation	CC	CC
School, Public, Private or Parochial	CC	P
Planned Development	CC	P
Any Use not Specified Above	P	P

*Only golf courses of the "links" type (see the Foothills Planned Development Ordinance, Section 11-06-05.07, for a description) are potentially allowable in the A-2 District.

KEY:

- A - Uses are allowed.
- AA - Uses are allowed, but require administrative review of approval criteria.
- CC - Uses require a Commission-level conditional use approval.
- P - Uses are prohibited.

Note: Setbacks along the Interstate (I-84) and the connector (I-184) shall be 20' for the building and 10' for the parking.

(6472, Amended, 05/23/2006; 6397, Amended, 06/14/2005; 6386, Amended, 02/22/2005; 6315, Amended, 04/20/2004; 6183, Amended, 10/01/2002; Ord. 5919, Amended, 07/28/1999; Ord. 5894, Amended, 02/24/1999; 5820, Amended, 10/28/1997; 5691, Amended, 12/27/1995; 5337, Amended, 08/27/1991; 5233, Amended, 05/08/1990)

Section 11-04-09.04 Building Setbacks and other Dimensional Standards for Residential Use or on Sites adjacent to or Across a Street or Alley from a Residential use or Zone

REQUIREMENTS	DISTRICT A-1	DISTRICT A-2
SETBACKS	Feet	Feet
Front Yard	20	40
Street Side Yard	20	40
Side Yard	10	20
Rear Yard	30	60
LOT AREA		
Minimum Lot Area for Residential Use	One (1) acre	Forty (40) acres
Minimum street frontage (in feet)	30	100
Minimum property width and depth (in feet)	50	100
HEIGHT LIMITS		
Buildings or structures Not Adjacent to or Across a Street or Alley from Residential Use or Zone (in feet)	45	45
Buildings or structures Adjacent to or Across a Street or Alley from Residential Use or Zone (in feet)	35	35

(6397, Added, 06/14/2005)

Section 11-04-09.05 Property Development Standards

The Property Development Standards for these zone districts shall be the same as those for the “R” Residential Districts in Section 11-04-04.01 through Section 11-04-04.04 as amended.

(6397, Added, 06/14/2005)

Section 11-04-09.06 Required Findings of Approval for Conditionally Permitted Uses in the A-1 and A-2 Districts

1. The proposed use; its bulk, height, intensity and location on the property; and all grading, paving and other associated site development modifications, are consistent with preserving the core values of the property as identified in the Comprehensive Plan or other appropriate guiding document, entitlement or deed restriction associated with the property.
2. The proposed use is consistent with the applicable open space requirements and allowances of the Foothills Planned Development Ordinance.
3. The use is compatible with, or can be conditioned to be compatible with, adjacent land uses. Conditions may include limitations on type, size, amount, location or operation of the use and all other property development modifications associated with the use.

(6397, Added, 06/14/2005)

**Section 11-04-10 REGULATIONS FOR DESIGN REVIEW OVERLAY "D" DISTRICTS;
HISTORIC DESIGN REVIEW OVERLAY "HD" DISTRICTS; AND DOWNTOWN DESIGN
REVIEW OVERLAY "DD" DISTRICTS**

Section 11-04-10.01 Purpose of "D", "HD" and "DD" Districts

"D", "HD" and "DD" districts are established to insure that the general appearance of the development on the land shall not be in conflict with the Comprehensive General Plan or other development plans adopted by Boise City for specific areas. It shall be the further purpose of this act to protect property rights and values, enhance important environmental features of the City and the physical characteristics of the land; and further to insure that the general appearance of buildings and structures, and the development of land, shall not impair or preclude the orderly and harmonious development of the community. To accomplish said objectives, it shall be the further purpose of this act to coordinate design input from other jurisdictions, to regulate landscaping, to review building design, site planning, signs grading, development and beautification, including but not limited to the regulation and restriction of the type, number of stories, size, construction, reconstruction, alteration, repair or use of buildings and structures to insure compliance with the requirements of the respective use district with which the "D", "HD" and "DD" district is combined.

Section 11-04-10.02 Uses Permitted

All uses are permitted in the respective zoning district with which the "D", "HD and "DD" districts are combined, subject to provisions of those districts.

Section 11-04-10.03 Design Review Application Required

All visible, exterior improvements requiring a building permit within districts classified as "D", "HD" or "DD" shall require the submittal of a Design Review application. (Ord. 5169, 6-20-89)

Section 11-04-11 UNIVERSITY: "U" DISTRICT:

Section 11-04-11.01 University: "U" District

The University District (designated as "U") is established to allow for the consistent development of Boise State University throughout its planned expansion area.

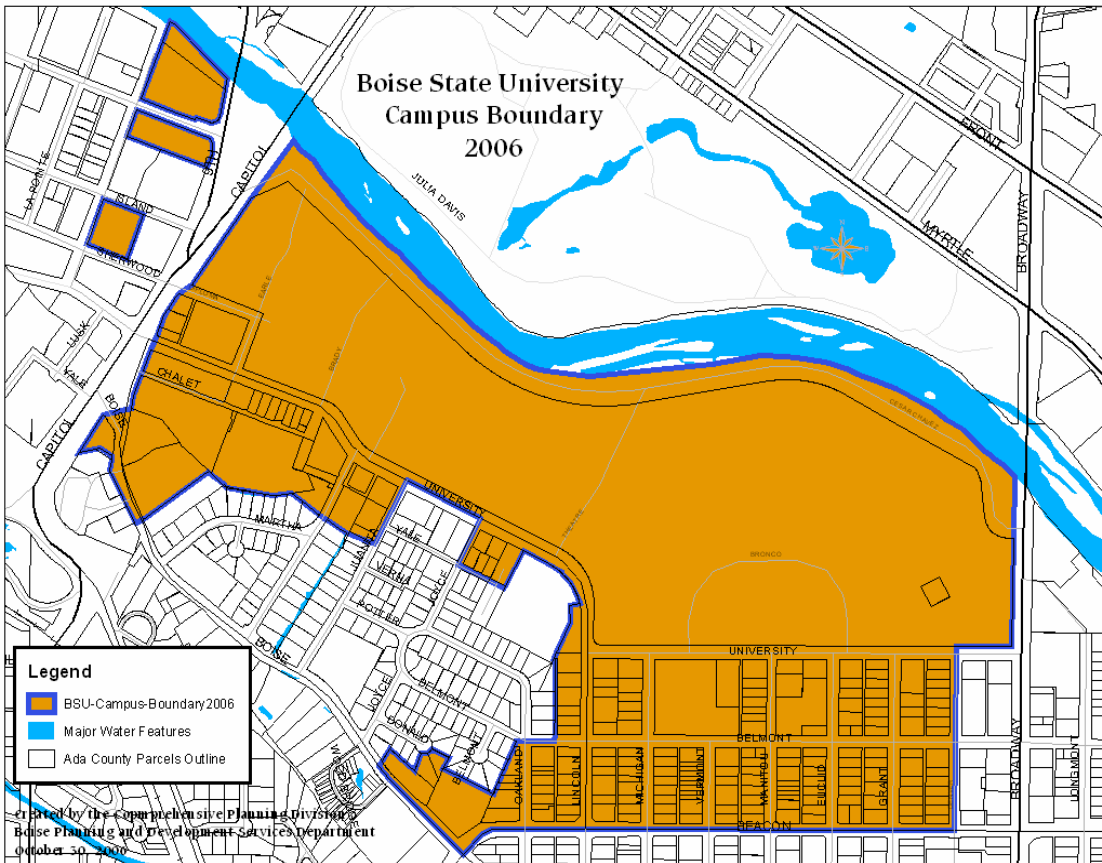
All uses permitted in this zone district shall be directly associated with the operation and maintenance of the University and shall be used primarily to accommodate the needs of the University.

Section 11-04-11.02 Purpose of "U" District

The "U" District is intended to encourage and facilitate expansion of Boise State University on property owned by B.S.U. or the B.S.U Foundation and designated in the Boise City Comprehensive Plan for university expansion. This District is also intended to encourage the University to be developed in a planned and integrated manner so that the various land uses are spatially and functionally related to one another and to overall university circulation.

Uses allowed within the "U" District are limited to uses appropriate to the campus of a metropolitan research University as described in Table 9A "University District, Allowed, Conditional, and Prohibited Uses".

For purposes of the University Zoning District, the campus boundary shall be as defined as per the Campus Boundary Map (below).



CAMPUS BOUNDARY MAP
(6557, Amended, 04/03/2007)

Section 11-04-11.03 Use Standards

Table 9A sets forth the requirements for specific uses in the University District.

TABLE 9A UNIVERSITY DISTRICT Allowed, Conditional, and Prohibited Uses*	
USES	DISTRICT "U"
The following uses shall require a Conditional Use Permit at any location within the campus boundary	
Parking Garages	CC

Auditoriums, stadiums, and sports/recreational facilities seating more than 1,000 people	CC
Group Child Care, Not in Home (7-12 children)	CC
Intermediate Child Care Center (13-20 children)	CC
Large Child Care Center (21+ children)	CC
Fraternity and sorority houses	CC
All uses within fifty (50) feet of the campus boundary	CC
The following uses shall require Administrative Approval	
Dormitories and University-owned housing	AA
Parking lots serving the university	AA
Interim parking lots	AA
Libraries	AA
Group Child Care Home (7-12 children)	AA
All uses within 300 feet of the southern campus perimeter between Denver Street and Capitol Boulevard.	AA
All other uses shall be allowed as follows:	
University office buildings	A
Classrooms and other instructional facilities	A
Research facilities	A
Bookstores	A
Student Union	A
Warehouse with no outdoor storage	A
Maintenance buildings with no outdoor storage	A
Storage of non-hazardous materials or waste related to university operations and maintenance	A
Utility structures	A
Other uses consistent with that of a research university such as, but not limited to: offices, laboratories, classrooms, retail, restaurant, accessory storage, recreational fields, etc. Consistent uses are above and beyond the uses listed in table 9a.	A

KEY: A - Uses are allowed.
 AA - Uses are allowed, but require administrative review of approval criteria.
 CC - Uses require a Commission-level conditional use approval.

(6557, Amended, 04/03/2007; 6315, Amended, 04/20/2004; 5337, Amended, 08/27/1991)

Section 11-04-11.04 Dimensional Standards

Maximum Building Height - 75 Feet; or, 45 Feet for buildings less than 50' from the B.S.U. campus boundary.

For the portion of any building within 50' of the campus boundary the height limit is 45'. For any portion of a building greater than fifty (50) feet from the campus boundary the height limit is seventy-five (75) feet.

Setbacks: A 20-foot setback from the campus boundary will be observed within the University District. Sidewalks and landscaping are required along local public rights-of-way, except along alleys. Sidewalks shall be a minimum of five feet wide. A landscaping strip shall be included either in a parkway strip along the curb and sidewalk, or between the interior border of the sidewalk and the structure, parking lot or other campus use. Where appropriate, landscaping requirements may be satisfied with tree wells, street furniture and planters, and not include a landscape strip. Where trees are used, minimum two-inch caliper trees shall be planted. Tree spacing shall be determined by the spread of the mature tree, so crowns of adjacent trees touch at maturity. Where possible, Class II or Class III species shall be used to provide the maximum environmental benefits.

Building features which protrude from the building such as porches, overhangs, and balconies may extend up to 5 feet into the setback area. Parking and access driveways are not allowed within the setback area.
(6557, Amended, 04/03/2007)

Section 11-04-11.05 Planning Department Review

In reviewing all AA and CC applications, the Planning Department will review the total parking inventory to ensure the University meets at least a minimum of 0.3 parking spaces per full time equivalent (FTE) student and 0.8 parking spaces for full time university faculty and staff. (The full time student and faculty/staff levels shall be based upon the annual fall enrollment.) The parking requirements shall be met prior to any Planning Department approval. This parking standard is due to the constant fluctuations of student population at the University and their needs for parking. Demand for parking garages will change over time, however limited University resources only allow for the periodic construction of parking garages to meet parking demands. Therefore, the University needs parking requirements that deviate from the general parking standards of the city.

Fire access to existing and new buildings must be shown on all AA and CC application site plans submitted to the Planning Department. A letter from the Idaho State Fire Marshal verifying compliance of the building plans with State requirements regarding fire safety shall be submitted to the Planning Department prior to construction. For purposes of the required public notice of 300', the project boundary shall be considered the building or project footprint and not the entire campus.

(6557, Amended, 04/03/2007; 5691, Amended, 12/27/1995; 5315, Added, 06/04/1991)

Section 11-04-11.06 Parking

A. Permanent Lots

1. Setbacks – ten (10) feet from public right of way other than an alley.
2. Landscaping – required within setbacks

3. Required number of spaces shall be 0.3 parking spaces per full time equivalent (FTE) student and 0.8 parking spaces per full time university staff.
4. Parking lots that are not contiguous to the main campus, whether temporary or permanent, shall screen residential neighbors. Screening may include a fencing and/or continuous vegetation that screens at least three feet in height at maturity.

B. Interim Lots

Interim lots shall meet the Interim Parking Lot standards in Section 11-10-08.
(6557, Added, 04/03/2007)

Section 11-04-12 SYCAMORE NEIGHBORHOOD OVERLAY DISTRICT ("S")

Section 11-04-12 Sycamore Neighborhood Overlay District ("S")

It is the purpose of the Sycamore Neighborhood Overlay District ("S") to preserve and encourage land use and development that is consistent with the semi-rural, agricultural character and lifestyle of the Sycamore Neighborhood, while promoting the public health, safety, and general welfare of present and future residents of the neighborhood and Boise City. Therefore, the District establishes exceptional standards for the front building setback and for keeping livestock and related uses. Any use or activity not addressed specifically by this section shall be subject to the general standards of the Zoning Ordinance.

Section 11-04-12.01 Sycamore Neighborhood Overlay District Boundary

The Sycamore Neighborhood Overlay District Boundary, designated on the zoning map by an "S", is as depicted on the map in Figure A and as described herein:

Beginning at the intersection of the center lines of Taft and Sycamore Streets, and commencing north along the center line of Sycamore Street to the intersection of the center lines of Sycamore and Catalpa Streets; thence east along the center line of Catalpa Street to a point 475 feet east of the intersection of the center lines of Catalpa and Tamarack Streets; commencing south 330 feet from the center line of Catalpa Street; thence west to a point 320 feet east of the center line of Tamarack Street; commencing south 340 feet along a line parallel with the center line of Tamarack Street and located at or approximately at the rear property lines of parcels fronting on, and taking primary access from, Tamarack Street; thence east to the centerline of 39th Street; commencing south 700 feet; thence east approximately 300 feet; commencing south 1,240 feet along a line parallel with the center line of 39th Street to a point near the centerline of Taft Street; commencing west along the centerline of Taft Street to the center line of Sycamore Street, the point of beginning.



Figure A

Sycamore Neighborhood Overlay District

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This drawing is to be used only for reference purposes; Boise City is not responsible for any inaccuracies herein contained.

Section 11-04-12.02 Sycamore Neighborhood Overlay District Agricultural Standards

The keeping of livestock and similar or related agricultural uses in the Sycamore Neighborhood Overlay District (“S”) shall be subject to the following standards:

- A. Allowed Uses, Optional Zoning Certificate: The keeping of livestock and similar or related agricultural uses is allowed in the Sycamore Neighborhood Overlay District subject to the regulations of this section. Any large animal not addressed specifically in this section shall be subject to Section 11-09-09 of the Boise City Code, which provides regulations for animals applicable to all lands within Boise City. Game birds, such as quail, pheasant, chukar, and grouse, are also allowed. A minimum lot or parcel size of 21,780 square feet (.5 acre) is required for large animals as defined in this section. There is no minimum lot or parcel size for keeping small animals as defined, though small animals are subject to the animal density standards provided in this section. A zoning certificate is not required but may be used as needed to provide written authorization for the keeping of animals.
- B. Animal Reserve Area: A minimum area of 10,890 square feet (.25 acre) is required for the keeping and care of large animals. This area shall be configured in a contiguous and usable manner to accommodate grazing area, feeding and watering facilities and storage, stables, paddocks, and other facilities for livestock. Structures and areas used for other uses accessory to the human residence shall not be counted as part of the reserve area.
- C. Area for Small Animals: No minimum lot area is required for keeping small animals as defined in this section. However, all small animals as defined shall be kept behind the front of the principal dwelling.
- D. Definitions:
 - 1. For the purpose of this section, *large animals* include horses, mules, donkeys, llamas, sheep, and goats. Other animals of a similar size but not listed here are subject to Section 11-09-09 of the Boise City Code.
 - 2. *Small animals* include rabbits, poultry, geese, domestic birds and game birds, excluding such birds as are caged and housed inside the dwelling, and other animals deemed as such by the Planning Director and not raised for commercial purposes. Commercial purposes or uses shall not include FFA, 4-H, or other student projects.
 - 3. *Animal unit* is defined and used to provide a unit of measure for determining livestock densities. Each mature horse, mule, or llama shall represent one (1) animal unit. Either of the following groups of animals represent one (1) animal unit: two (2) mature sheep or goats, or twelve (12) mature chickens or ducks, or six (3) mature geese, or turkeys, or ten (10) mature rabbits. The animal unit equivalency for miniature versions of goats and other animals shall be determined by the Planning Director.
 - 4. *Shared reserve areas* are those areas on a given lot on which the animals on neighboring lots are allowed, on a weekly or more frequent basis, to occupy for grazing or other activities.
 - 5. A *concentrated feeding area* is that part of a site in which animals are raised or kept in a

confined area at some location within the parcel or reserve area. A concentrated feeding area may include any feeding or holding operation where animals are concentrated in an area that is 1) not normally used for pasture or growing crops and in which animal waste may accumulate, or 2) any trough or similar feeding apparatus.

6. *Principal dwelling* is the primary residence on the property designed and used for human habitation.

E. Animal Density Standards:

1. The area of the lot or parcel used for any human dwelling shall be included when computing the .5 acre minimum lot size needed to qualify for large animals.

2. The maximum animal density for large animals shall be one (1) animal unit per .25 acre of reserve area. The reserve area shall be used to calculate the allowed number of large animals allowed on a particular parcel. For reserve areas larger than .25 acre, the 1 animal unit: .25 acre ratio shall be applied to determine the allowed number of animals. *Shared reserve areas* on adjacent lots may be added to the owner's reserve area to calculate the number of large animals allowed on the owner's lot.

3. The maximum animal density for small animals shall be one (1) animal unit per .25 acre of land area behind the front of the principal dwelling. The area used for calculating the allowed number of small animals shall not include land occupied by any building not used for housing said animals. For areas of land different from .25 acre, the 1 animal unit: .25 acre ratio shall be applied to determine the allowed number of animals.

4. The keeping of chickens in conjunction with the keeping of large animals is an exception to animal density standards. Up to six (6) chickens may be kept simultaneously and in addition to the large animals allowed per lot based on the density standard.

5. No more than one (1) rooster shall be kept on any single parcel, regardless of the size of the parcel.

F. As deemed necessary, the Planning Director may require the owner or resident to submit a site plan, subject to approval, for the purpose of determining the amount of land available on a particular site for the keeping of animals pursuant to the standards of this section.

G. Setbacks for Concentrated Feeding Areas, Buildings, and Pasture and Reserve Areas: Concentrated feeding areas and buildings housing animals shall be located behind the front of the principal dwelling and a minimum of 10 feet from all property lines. Fully enclosed buildings must comply with the setback standards for the base zone and, therefore, may in some cases be set back less than 10 feet from the property line. Pasture or reserve areas shall be located behind the front of the principal dwelling, and may otherwise be located at the side and rear property line.

H. District Perimeter Setback: Animal reserve areas for large animals shall be set back a minimum of 30 feet from any residential lot located outside the Sycamore Neighborhood Overlay District.

I. Enclosures Required: Livestock shall be kept within enclosures such that said livestock is prevented from encroaching on neighboring properties or public streets. Enclosures may include

fences, corrals, barns, pens, etc.

- J. The owner/resident shall utilize Best Management Practices (BMPs) to protect surface and ground water quality and to avoid any adverse impact to wells and other beneficial uses. A BMP is defined as a practice or combination of practices which are the most effective, practicable means of preventing or reducing the amount of pollution generated by non-point sources to a level compatible with water quality goals.

Any owner or resident intending to keep livestock and other animals pursuant to this section shall implement the following BMPs:

1. Fencing: Enclose one or more areas on the site with a permanent fence or structure to function as a barrier to livestock and other animals as needed in order to prevent access to and protect streams, canals, and ditches from trampling, erosion and contamination.
2. Filter strips for Streams, Canals, and Ditches: Maintain a gently sloping strip of ground cover vegetation to filter runoff from that portion of the site occupied by animals. Filter strips shall distribute waste matter uniformly across the high end of the strip and allow waste to flow through and across the strip; promote the filtering of nutrients, runoff water, and other material through the grass in a manner in which they are absorbed by the soil, and ultimately taken up by the plants.
3. Runoff control system: Employ a combination of practices to prevent animal waste runoff to surface water and adjacent properties. Practices may include diversion of runoff from the lot, roof runoff systems, lot shaping, settling basins, and filter strips or buffer areas.
4. Liquid and Solid Waste Management System: Employ a system for managing liquid and solid waste in a manner that: a) ensures fecal matter and other solid wastes do not create or promote nuisances, odors and disease-carrying insects and animals, and b) does not degrade air, soil, or water resources. The appropriate system will typically include the frequent spreading of liquid and solid waste, composting of manures, and off-site disposal.

Additional BMPs shall be required if those BMPs listed above are shown to be ineffective. The owner or resident can consult the following agencies for additional technical assistance:

Ada Soil Conservation District
Natural Resources Conservation Service (Home *A* Syst/Farm*A*Syst Program)
Idaho Soil Conservation Commission
The University of Idaho Extension Service
Boise Public Works Department

- K. At three year intervals the residents and property owners in the Sycamore District and the Boise City Department of Planning and Development Services shall assess the impact and effectiveness of the standards of this section in protecting residents and owners of the District and those outside the district from unwanted impacts.

Section 11-04-12.03 Sycamore Neighborhood Overlay District Setback Standards

Buildings and parking areas in the Sycamore Neighborhood Overlay District ("S") shall be subject to the setback standards in Chapter 4 of this title with the following exception: Excluding lots fronting on 39th, Catalpa and Taft Streets, the required setback for buildings on vacant or undeveloped lots is determined by the average setback of the principal building on the two adjoining lots abutting the same street. In no case will the required setback be less than 20 feet or greater than 40 feet. Additions to existing homes are also subject to the exceptional setback.

(6168, Amended, 07/30/2002; 6107, Added, 12/04/2001)

Section 11-04-13 BIG SKY NEIGHBORHOOD OVERLAY DISTRICT ("BSN")

It is the purpose of the Big Sky Neighborhood Overlay District to preserve the large lots and open character of the Big Sky Neighborhood to retain the rural personality of this unique location, while encouraging increased agrarian rights that will maintain, protect, and enhance land use and livability. Therefore, the District establishes exceptional standards for front and side building setbacks and for increased agricultural rights to keep and maintain animals. Any use or activity not addressed specifically by this overlay district shall be subject to the general standards of the Zoning Ordinance.

(6424, Added, 10/11/2005)

Section 11-04-13.01 Big Sky Neighborhood Overlay District

The keeping of livestock and similar or related agricultural uses in the Big Sky Neighborhood Overlay District ("BSN") shall be subject to the following standards:

- A. Allowed Uses: The keeping of livestock and similar or related agricultural uses are allowed in the Big Sky Neighborhood Overlay District subject to the regulations of this section. Any large animal not addressed specifically in this section shall be subject to Section 11-09-09 of the Boise City Code, which provides regulations for animals applicable to all lands within Boise City. Game birds, such as quail, pheasant, chukar, and grouse, are also allowed. A minimum area of 21,780 square feet (.50 acre) is required for large animals as defined in this section. There is no minimum lot or parcel size for keeping small animals as defined, though small animals are subject to the animal density standards provided in this section.
- B. Animal Reserve Area: A resident must have a minimum area of 21,780 square feet (.50 acre) for the keeping and care of two animal units. This area shall be configured in a contiguous and usable manner to accommodate grazing area, feeding and watering facilities and storage, stables, paddocks, and other facilities for livestock. Structures and area used for accessory uses other than those related to the care of animals shall not be counted as part of the reserve area.
- C. Area for Animals: No minimum lot area is required for keeping small animals as defined in this section. All animal units and small animals shall be kept behind the front of the principal dwelling. Dogs and cats are not regulated by this overlay district.
- D. Definitions:
 - 1. For the purpose of this section, *large animals* include horses, mules, donkeys, llamas and cows. Other animals of a similar size but not listed here are subject to Section 11-09-09 of the Boise City Code.
 - 2. *Small animals* include rabbits, poultry, geese, ducks, turkeys, domestic birds and game birds, excluding such birds as are caged and housed inside the dwelling, and other

animals deemed as such by the Planning Director and not raised for commercial purposes. Commercial purposes or uses shall not include FFA, 4-H, or other student projects.

3. *Animal unit* is defined and used to provide a unit of measure for determining livestock densities. Each mature horse, mule, donkey, llama and cow shall represent one (1) animal unit. Any of the following groups of animals represent one (1) animal unit: two (2) mature sheep or goats; or twelve (12) mature chickens or ducks; or six (6) mature geese or turkeys; or ten (10) mature rabbits. The animal unit equivalency for miniature versions of goats and other animals shall be determined by the Planning Director.
4. A *concentrated feeding area* is that part of a site in which animals are raised or kept in the reserve area. A concentrated feeding area may include any feeding or holding operation where animals are concentrated in an area that is 1) not normally used for pasture or growing crops and in which animal waste may accumulate, or 2) any trough or similar feeding apparatus.
5. *Principal dwelling* is the primary residence on the property designed and used for human habitation.

E. Animal Density Standards:

1. The maximum animal density shall be two (2) animal units per .50 acre of reserve area. Additional reserve areas must be added in .50 acre increments to calculate the allowed number animal units allowed on a particular parcel.
2. The keeping of chickens in conjunction with the keeping of large animals is an exception to animal density standards. Up to six (6) mature chickens may be kept simultaneously and in addition to the large animals allowed per lot based on the density standard.

F. The Planning Director may require the owner or resident to submit a site plan, for the purpose of determining the amount of land available on a particular site for the keeping of animals and to show best management practices.

G. Setbacks for Concentrated Feeding Areas, Buildings, and Pasture: Concentrated feeding areas and buildings housing animals shall be located behind the front of the principal dwelling. Buildings housing animals must comply with the setback standards for the Big Sky Neighborhood Overlay.

H. Enclosures Required: Livestock shall be kept within enclosures such that said livestock is prevented from encroaching on, and/or damaging, neighboring properties, fences or vegetation; or public streets. Enclosures may include fences, corrals, barns, pens, etc.

I. The owner/resident shall utilize Best Management Practices (BMPs) to protect surface and ground water quality and to avoid any adverse impact to wells, irrigation ditches, and other beneficial uses. A BMP is defined as a practice or combination of practices which are the most effective, practicable means of preventing or reducing the amount of pollution generated by non-point sources to a level compatible with water quality goals.

Any owner or resident maintaining animals pursuant to this section shall implement all of the

following BMPs:

1. Fencing: Enclose one or more areas on the site with a permanent fence or structure to function as a barrier to livestock and other animals as needed in order to prevent access to and protect streams, canals, and ditches from trampling, erosion and contamination.
2. Filter strips for Streams, Canals, and Ditches: Maintain a gently sloping strip of ground over vegetation to filter runoff from that portion of the site occupied by animals. Filter strips shall distribute waste matter uniformly across the high end of the strip and allow waste to flow through and across the strip; promote the filtering of nutrients, runoff water, and other materials through the grass in a manner in which they are absorbed by the soil, and ultimately taken up by the plants.
3. Runoff control system: Employ a combination of practices to prevent animal waste runoff to surface water and adjacent properties. Practices may include diversion of runoff from the lot, roof runoff systems, lot shaping, settling basins, and filter strips or buffer areas.
4. Liquid and Solid Waste Management System: Employ a system for managing liquid and solid waste in a manner that: a) ensures fecal matter and other solid wastes do not create or promote nuisances, odors and disease-carrying insects and animals, and b) does not degrade air, soil, or water resources. The appropriate system will typically include the frequent spreading of liquid and solid waste, composting of manures, and off-site disposal.

Additional BMP's shall be required if those BMP's listed above are shown to be ineffective. If a resident does not properly maintain or utilize BMP's, then the resident shall immediately cease the keeping of animals as defined in this ordinance. The owner or resident can consult the following agencies for additional technical assistance:

Ada Soil Conservation District, Natural Resources Conservation Service, Idaho Soil Conservation Commission, University of Idaho Extension Service, and Boise Public Works Department.
(6424, Added, 10/11/2005)

Section 11-04-13.02 Big Sky Neighborhood Overlay District Setback Standards

Residential buildings in the Big Sky Neighborhood Overlay District ("BSN") shall be subject to the following setback standards: front: 35' minimum, 85' maximum, and within 5' of the average setbacks of the adjacent properties, from the property line; sides and back: 20' minimum from the property line. Additions to existing homes are also subject to the Big Sky Neighborhood Overlay District setbacks.

In order to maintain a consistent and compatible neighborhood, all dwelling units shall have an enclosed garage with an interior dimension of at least 20' x 20'. Front doors of residential units shall face the street.

Outbuildings detached from the residential unit smaller, or equal to, 500 square feet and less than 15' high, shall have a reduced setback from the property line of 10' sides and back. Any outbuildings detached from the residential unit larger than 500 square feet are subject to the BSN setbacks listed in paragraph one above.

(6424, Added, 10/11/2005)

Section 11-04-13.03 Big Sky Neighborhood Overlay District Two-Family Dwelling Standards

A duplex unit is defined as “a detached building containing two (2) dwelling units, each of which include a separate bathroom and kitchen. The two (2) units must be able to function as dwelling units independently of each other. Each of the two (2) units shall have an enclosed garage with an interior dimension of at least 20’ x 20’.

Duplexes in the Big Sky Neighborhood Overlay District shall be subject to specific design criteria as per Section 11-05-05 of the Boise City Zoning Ordinance. In addition duplexes in the Big Sky Overlay District shall follow agricultural and setback standards described in the Big Sky Neighborhood Overlay District as per Section 11-04-13 of the Boise City Zoning Ordinance.

(6424, Added, 10/11/2005)

Section 11-04-14 STANDARDS FOR RESIDENTIAL DEVELOPMENT OF SUBSTANDARD ORIGINAL LOTS OF RECORD IN THE R-1A, R-1B, R-1C, R-2, R-3, A, R-O, N-O, L-O, C-1, C-2 AND C-3 ZONES.

Section 11-04-14.01 Purpose and Intent

The purpose of this ordinance is to guide residential development on substandard lots, ensuring that new development is compatible with the character and the scale of established housing.

Section 11-04-14.02 Applicability and General Provisions

The following standards and procedures apply to substandard lots as defined in Section 11-09-01.02, and apply to:

- A. Lots in the R-1A, R-1B or “A” zones having a lot area of less than 5,000 square feet and/or a lot width of less than 50 feet, or in the case of a corner lot, a lot area of less than 7,000 square feet and/or a lot width of less than 70 feet, and
- B. Substandard lots in the R-1C, R-2, R-3, R-O, N-O, L-O, C-1, C-2, and C-3 zones.
- C. These standards do not apply to lots that are part of a planned unit development and they do not take precedence over any note recorded on a subdivision plat.

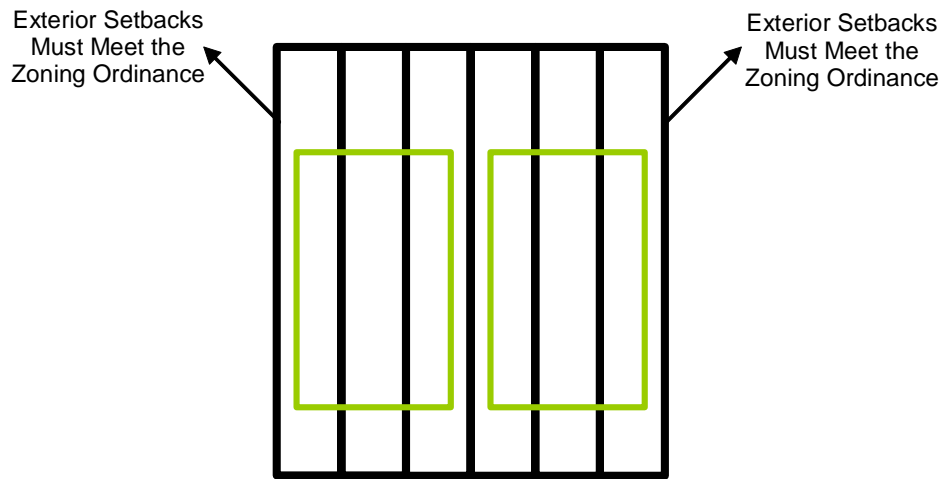
The standards set forth in the substandard lot ordinance shall apply to all substandard lots within the city limits. However, nothing in the substandard lot ordinance shall prevent the City from imposing additional criteria or refusing to apply certain criteria in order to issue a certificate of appropriateness in a historic district that is congruous with the adjacent structures, the block, or the district as a whole.

- D. Permitted Land Uses and Building Types: See Section 11-04-03.05, Table 1 for permitted uses in residential zones, Section 11-04-05.04, Table 2.1 for permitted uses in neighborhood office, limited office and residential office zones and Section 11-04-06.09, Table 3 for permitted uses in commercial zones.
- E. To construct a duplex with alley access, a minimum overall lot width of 36 feet for interior lots, 46 feet for corner lots, and a minimum lot size of 4,000 square feet is required.

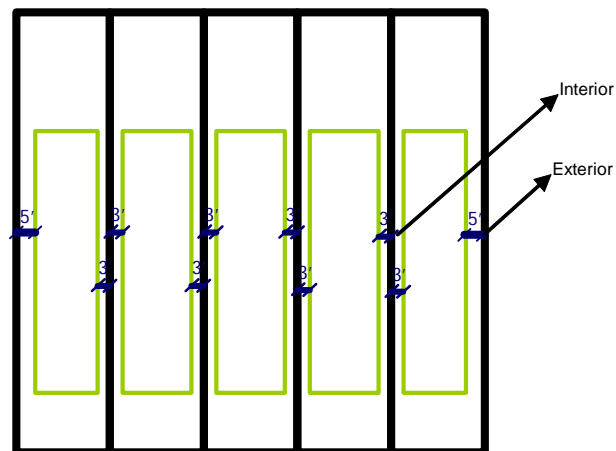
- F. A minimum lot width of 37.5 feet shall be required for the development of all substandard lots without alley access.
- G. Design Review Required for Development of Substandard Lots: Development of three (3) or fewer dwelling units on three (3) contiguous substandard lots shall be subject to staff level design review in accordance with Chapter 11-07. Development of four (4) or more dwelling units and the development of all units with front-loading garages shall require committee level design review in accordance with Chapter 11-07. Additional design review standards and guidelines are contained herein.
- H. Notification Requirements: All applicants proposing the development of a substandard lot or the modification of a previously approved substandard lot development shall hold a meeting which provides the public an opportunity to review the proposed project. This meeting shall be held not more than six (6) months nor less than five (5) calendar days prior to submittal of the application. The location of the neighborhood meeting shall be within two (2) miles of the project site and shall be held Monday through Thursday, excluding legal holidays, and must begin between 6:00 P.M. and 8:00 P.M. The applicant shall notify and invite all residents and property owners within 300 feet of the exterior boundary of the development to the neighborhood meeting as well as the registered neighborhood association. The notice of this meeting may be mailed or hand-delivered. If mailed, the notice shall be postmarked a minimum of seven (7) calendar days prior to the scheduled neighborhood meeting date. If hand-delivered, the applicant must deliver the notice a minimum of five (5) days prior to the scheduled neighborhood meeting date. The notice shall include a name, telephone number and an email address for the applicant in order to provide those invited an opportunity to contact the applicant regarding the proposed development. The applicant shall submit with the application, a copy of the notification letter, a list of the addresses to which the letter was delivered, any written correspondence received back from the neighborhood, and a signed affidavit attesting to the accuracy of the all submitted information.

Section 11-04-14.03 Development Standards for Substandard Original Lots of Record

- A. Setbacks
 - 1. Front Setbacks: The front yard setback for livable space and porches shall be within five (5) feet of the average of the front yard setbacks of adjoining properties. However, in no case shall the front setback be less than 10 feet or more than 20 feet. The front setback for parking is 20 feet. Lots developed at the same time shall contain different setbacks.
 - 2. Side Setbacks: Interior side setbacks shall be in accordance with the applicable zone; street side yard setbacks shall be 15 feet for livable space and porches and 20 feet for parking, unless one of the following is applied:
 - a. Common Lot Line Attached Units – Up to three (3) units may be attached at the common lot line, provided that the exterior setbacks (unattached side setbacks) adhere to those required by the zone.



- b. Detached Units on Contiguous Lots – When two (2) or more single family units are proposed on contiguous lots, the interior side yard setbacks may be reduced to three (3) feet provided that the exterior setbacks to the development adhere to the setbacks that are required by the zone.

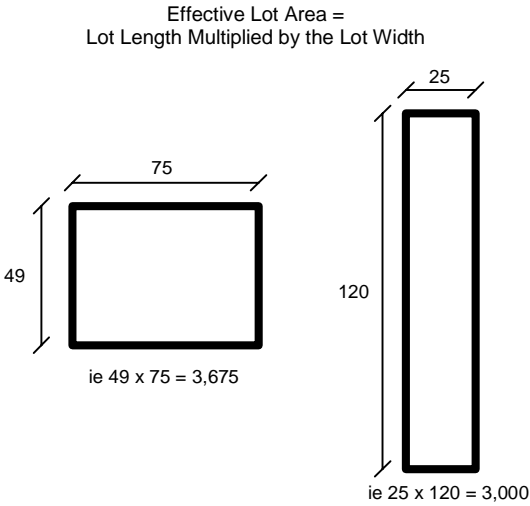


3. Rear Setbacks: Rear yard setbacks shall be as required by the zoning district in which the substandard lot is located.
4. Garage: A single-story, detached garage, a maximum of 500 sq. ft., accessed off of an alley may have a three (3) foot side setback. Minimum exterior garage dimensions for a two-car garage shall be 19' by 20'.
5. The first story of a two-story attached building shall be setback a minimum of five (5) feet from the side property line. The second story

of a two-story attached building shall be setback a minimum of eight (8) feet from the side property line; provided, bay windows, pop-outs or other architectural appurtenances may be allowed at the five (5) foot setback line in the R-1C zone. All other zones must meet their side yard setback requirements. (See also Section 11-05-05 Boise Municipal Code)



- B. The overall height of the structure (to the ridgeline) shall not exceed the width of the lot or the maximum height allowed by the zone, whichever is most restrictive.
- C. Building Size: Residential floor area shall not exceed 55% of the effective lot area on lots with less than 5,000 square feet. "Effective Lot Area" is the gross horizontal area of a lot minus any portion of the lot encumbered by a recorded driveway or road easement. "Residential Floor Area" is the amount of all livable space including basements and bonus rooms.



- D. Private Open Space: All substandard lots must provide a minimum of 375 square feet of private open space in the rear yard. This open space must be configured as a 15 foot by 25 foot open space (which includes the required setbacks). Of that required space a minimum dimension of 10 feet by 15 feet shall be open to the sky. Covered rear porches are allowed to be calculated as part of the private open space area.
- E. Landscaping: A landscape plan shall be required. All areas that are not developed with structures, driveways, parking lots, streets, pathways, patios and similar useable areas shall be landscaped. The landscaping shall accomplish the following objectives:
- shading of parking areas and walkways;
 - ground cover consisting of predominantly live plant materials shall be used;
 - erosion control;
 - and attractive streetscapes and common areas.

Some useable hard scape features (such as pavers, planters, stonework, decks, etc) may be allowed up to 25% of the entire landscaped areas. Plastic or other artificial materials are not allowed. The landscape plan shall include an irrigation system. Xeriscape plans that are consistent with Public Works standards shall be considered acceptable. Landscaped plans for properties located in an urban renewal district shall show a streetscape treatment consistent with the streetscape standards adopted by City Council as part of the applicable urban renewal plan.

F. Parking

1. Each dwelling shall be provided with two (2) off street parking spaces.
2. Vehicular access and parking shall be provided according to the following standards:
 - a. Access to an alley: All access shall be taken from the alley. Two spaces shall be provided with 22 feet of backup space in accordance with Section 11-10-04.04, Table 12, Boise City Code.
 - b. No access to an alley:
 1. Interior lots with no alley access shall be required to provide a two (2) car attached garage. The applicant shall include design elements that will provide varied rooflines, dormers within the roofline or other architectural treatments that will avoid the appearance of garage domination. The setback of the garage face shall be 20 feet. Driveways for a two car attached garage may not exceed 20 feet in width.
 2. The use of a 10 foot wide shared driveway providing access to rear yard garages that are attached with a common wall on the property line is allowed.
 - c. The driveway may be designed with concrete wheel strips or grass pavers that are separated by vegetation.

G. Right-of-Way Improvement

1. All developments shall provide curb, gutter and sidewalk on the adjacent roadway(s) and, if applicable, the applicant shall provide a paved driveway apron that extends to the edge of the pavement. Waivers or variations to some of these requirements may be granted by the Planning Director based upon local conditions such as the lack of adjacent improvements and/or documented drainage problems that may result from the improvement of the roadway. Any alternative granted through a waiver shall include a curb line or physical barrier to prevent parking adjacent to the right-of-way. If a waiver is granted, the value of the improvements, as estimated by the City of Boise, shall be placed in a Public Rights-of-Way Road Trust deposit for up to ten (10) years to be held by the City of Boise for later improvement of the curb, gutter and sidewalk abutting the site.
2. Dirt or gravel strips in the front yard or undeveloped street right-of-way shall not be permitted. Irrigated landscaping shall be provided in these areas through license agreements with ACHD. Bonding for landscape improvements may be allowed based on weather related constraints. If ACHD denies the necessary license agreement, the requirement for landscaping shall be waived.
3. If full right-of-way improvement is not feasible and ACHD determines that there is insufficient pavement width for travel lanes with on-street parking, a non-landscaped ACHD-approved shoulder shall be installed that is the minimum width necessary to accommodate parallel parking. Landscaping shall still be required to the edge of the parking shoulder.
4. All right-of-way improvements, license agreements and bonding shall be completed prior to issuance of a Residential Certificate of Occupancy permit for the structure.

H. Alternative Building Arrangements

1. Attaching single family units in multiples of two (2) or three (3) on common lot lines is encouraged as a means of creating more substantial structures that will be imitative of standard width single-family homes. Such units remain subject to the general design criteria stated in this Chapter and do not require a planned unit development application.
2. Additional requirements for attached buildings:
 - a. Attached buildings shall be constructed to comply with townhouse construction standards in accordance with the Boise City Building Code.
 - b. The Office of the City Attorney shall review and approve all easement agreements an applicant or builder seeks to obtain for the use and maintenance of common facilities such as driveways, parking sites and common party walls. All such easements shall be recorded in the records of Ada County prior to an applicant or builder seeking a building permit under this ordinance.

- c. Adjustments to lot lines and reduction in the number of lots within the same parcel are subject to review and approval pursuant to all applicable Boise City subdivision and zoning regulations. The applicant shall obtain approval from Boise City and record any lot line adjustments or reduction in lots with the Ada County Recorder prior to submission for a building permit.

Section 11-04-14.04 Design Guidelines for Substandard Lots

- A. The Design Review Committee and Design Review staff shall take into account the location and design of adjacent buildings, landscaping and right-of-way improvements, and shall apply the following criteria as appropriate:
 - 1. Full-length two-story structures on long narrow lots are allowed only when both adjacent properties are developed with full two-story structures.



- 2. One and a half story structures are the preferred form of development on substandard lots. One and a half story structures are preferred when the existing structures adjacent to the proposed development are one-story in height.

A one and a half story structure can be defined as:

- a. A structure that has a maximum building height of 18 feet (to the midline of the roof) and includes a daylight basement that is sunk into the ground a minimum of four (4) feet.



- b. A structure that has a maximum building height of 18 feet (to the midline of the roof) and contains the second story within the pitched roofline.



3. Partial two-story structures may be allowed when the surrounding properties will

not be adversely impacted by such height. The circumstances to be considered shall include: the size and height of the adjacent dwelling units; privacy impacts on adjacent properties; the height, mass, window placement and roofline pitch of the proposed structure; and the overall design of the upper story of the proposed structure. Upper story limitations or setbacks on the new building may be an acceptable means of ensuring compatibility with adjacent structures of smaller size.



4. Front Façade Design Requirements.

- a. Homes shall have a front door that faces the street. When a unit is built on a corner lot, the door shall face the dominant street.
- b. In lieu of a street facing front door, the applicant may construct a prominent front porch that is a minimum of six (6) feet in depth and the dwelling shall have a minimum of 25% of the front facade comprised of windows and/or door openings. For homes with front-loaded garages, a garage door shall not count toward the window opening requirements. The garage door shall include design elements such as: panels, windows, trim features, cross members, or other architectural features as determined by the Design Review Committee or Design Review staff.
- c. Detached dwelling units shall provide a façade that substantially differs from the façade of adjacent structures. Variations in materials alone will not be considered sufficient. The unique façade may be obtained through the use of structural changes or through the use of substantial design elements. In addition to complying with the preceding design guidelines, the front façade shall include multiple design elements such as: multi-paned windows, varied roof lines, dormers, bay windows, wainscoting, a covered front door, a usable front porch or other elements as approved by

the Design Review Committee or staff that create a unique façade. Articulated designs may repeat on non-contiguous lots.

- d. Attached units shall provide modulation and architectural design features to prevent flat façade wall planes.
 - e. Building design shall incorporate quality materials such as brick, stone, stucco, tile, and wood for a significant (35% or more) portion of the façade and second story elements. The presence of such materials on nearby homes shall be reviewed as a guide for appropriate materials to be used on the new dwelling.
- 5. All buildings shall be oriented toward a public street. When buildings cannot be oriented toward a public street due to inadequate street frontage or similar circumstances, the buildings shall be oriented toward a private street or lane that conforms to City standards.
 - 6. Rain gutters shall be provided on the side elevations of all structures to allow for adequate site drainage. The gutters shall direct water to the front or rear of the lot.

(6642, Amended, 02/26/2008)

Section 11-04-14.05 Design Guidelines for Substandard Lots

The applicant may request a waiver from one or more of the standards listed above. All requests for waivers shall be heard and decided by the Design Review Committee. A waiver shall not be considered a right or special privilege but may be granted to an applicant that can meet the following findings:

- A. That the granting of the waiver will not be in conflict with the intent of the Substandard Lot Ordinance, shall not negatively impact the existing neighborhood and shall enhance the overall design quality of the project;
- B. That there is an exceptional circumstance relating to the design or configuration of the property, which is not generally applicable to other properties or otherwise anticipated by the standards in the district.
- C. The granting of such relief will not be materially detrimental to the public health, safety or welfare, or injurious to the property, improvements or the quiet enjoyment of the surrounding properties and neighborhood.

(6588, Repealed & Replaced, 08/28/2007; Ord. 6554, Amended, 02/20/2007; 6461, Added, 04/04/2006)

Section 11-04-15 East Fairview Interim Overlay District

The East Fairview (EF) Interim Overlay District is established to create unique pedestrian-oriented exterior setback and streetscape standards for selected parcels (see zoning map) within the East Fairview Corridor between 30th Street and 24th Street. This Interim Overlay District

shall expire upon replacement with a permanent zoning district for the larger 30th street corridor.

Within the EF Interim Overlay District, the following standards shall override or supplement the applicable base standards of the C-4D zone:

1. Exterior Setbacks

A. Building and Parking Setbacks from Fairview Avenue and Main Street: A minimum setback of 17 feet and a maximum setback of 25 feet from back of curb.

B. Building and Parking Setbacks from Numbered Streets: A minimum of 13-feet and a maximum of 17 feet from back of curb.

2. Building Height

A. The maximum building height shall be 60 feet.

3. Streetscapes

A. Streetscape Standards on Fairview Avenue and Main Street: A minimum of 10 feet of continuous landscaping behind back of curb and a minimum of 7 feet of detached sidewalk between the landscaping and the building.

B. Streetscape Standards on Numbered Streets: A minimum of 6 feet of continuous landscaping behind back of curb and a minimum of 7 feet of detached sidewalk between the landscaping and the building. Alternatives to continuous landscaping may be approved by conditional use permit.

4. Parking Area Requirements

A. Parking lots shall not dominate the street frontage or interrupt pedestrian routes. All parking areas shall be located to the side or rear of the principle building. Parking lots should be located behind buildings or in the interior of the block whenever possible. Low walls contained with landscaping should screen parking areas from views from the street.

B. Parking areas shall not abut street intersections or occupy lots which terminate a street vista. A street vista means the view, framed by buildings, as the termination of the axis of a thoroughfare.

C. All sites, where feasible, shall provide two-way cross-access to adjacent parcels.

D. Surface parking lots not associated with a principal use shall be prohibited.

5. Building Design Requirements

A. All buildings shall provide a front entrance addressing the primary street frontage.

(6663, Added, 05/06/2008)